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FINAL ENVIRONMENTAL IMPACT STATEMENT/
ENVIRONMENTAL IMPACT REPORT

State Clearinghouse No. 95052023

Eagle Mountain Landfill and Recycling Center Project

Volume II
Comments and Responses

County of Riverside Planning Department

and

United States Department of the Interior
Bureau of Land Management

Prepared by:
CH2MHILL

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	AGENCIES
1	U.S. Dept. of the Interior, National Park Service
2	U.S. Dept. of the Interior, National Biological Service (Charles Douglas)
3	U.S. Environmental Protection Agency
4	Regional Water Quality Control Board, Colorado River Basin Region 7
5	California EPA, State Water Resources Control Board
6	California EPA, Integrated Waste Management Board
7	Coachella Valley Water District
8	California Dept. of Fish and Game
8a	California Department of Fish and Game
9	City of Banning (Dept. of Planning)
10	Metropolitan Water District of Southern California
11	County of Orange
12	Southern California Association of Governments
13	Los Angeles County Sanitation District
14	Coachella Valley Association of Governments
	PUBLIC HEARING TRANSCRIPTS
15	***Lake Tamarisk Clubhouse***
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	Aikin, Patricia
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	Primer, Dean
	Brush, Noel
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	Aikin, Tom
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	Scott, Sterling
16	***Palm Springs Convention Center***
	Stone, Dee Dee
	Rothstein, Abraham
	Rabone, Tom
	Urbanek, Mike
	Fawcett, Gerry
	Bitonti, Ron
	Supple, Rick
	Moreno, F.C.
	Leivas, Richard
	Amarillias, John
	Scott, Sterling
	Schlosberg, M.
	Charpied, Donna
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	Acuna, Joey
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	Shamhart, Charla
	Charpied, Donna
	Charpied, Larry
	Underwood, Jack
	Berger, Brad
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	Samons, Emily
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	Smith, Jerry
	Clay, Sean
	Chelette, Iona
18	***Riverside Municipal Auditorium***
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	Moreno, F.C.
	Avila, Raul
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	Lanham, David
	Redman, Lee
	Daniels, Rick
	Bennett, Deb
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19	Committee for Protection of Rural Independence
20	Sierra Club, San Gorgonio Chapter (Donna Charpied)
21	Sierra Club, San Gorgonio Chapter (Donna Charpied)
22	Palm Springs Chamber of Commerce
23	Inland Empire Disposal Association (Paul Ryan)
24	Bay Area Nuclear (BAN) Waste Coalition
25	International Union of Operating Engineers
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28	Conservation Law Project
29	The Desert Protective Council, Inc. (DPC)
30	The Desert Protective Council, Inc. (DPC)
31	Citizens for the Chuckwalla Valley (Larry Charpied)
32	Citizens for the Chuckwalla Valley (Larry Charpied)
33	Citizens for the Chuckwalla Valley (Johnny Coon)
34	Desert Survivors
35	Desert Environmental Response Team
36	Citizens for Justice (Jerry Smith)
37	Morongo Basin Militia and Yacht Club
38	Desert Citizens Against Pollution
39	Adventure 16 - Outdoor and Travel Outfitters
40	New Kaiser VEBA (Ronald Bitonti)
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41	Anderson, Earle R.
42	Anderson, Robert E. & Ruth M.
43	Arescurrinaga, Pamela
44	Avila, Raoul R.
45	Bell, Carl and Elaine
46	Bellanca, Anthony J.
47	Brown, David E.
48	Burson, Gene
49	Canning, Marjorie
50	Carner, Don
51	Cassidy, Robert K.
52	Chiriaco Rusche, Margaret F.
53	Crowden, Mr. & Mrs. Albert G.
54	Cruz, Mary
55	Cummings, Jack B.
56	Cushman, Vivian
57	D'Amico, D.
58	Dailey, Franklin J., Md.
59	Dearth, James S.
60	Delaney, John E.
61	Denton, John R. and Ethel
62	Dodd, Raymond D.
63	Douglas, Cordelia & Dale
64	Edelbrock, George N.
65	Esecson, Stan
66	Ewing, Coy H.
67	Fairbank, William C.
68	Fister, Myrtle
69	Fortune, Nancy
70	Fraker, Donald O.
71	Futerer, W.K.
72	Glover, Bob
73	Gonzalez, Catherine O.
74	Gray, Cliff and Wilma
75	Guidero, Ralph
76	Hallquist, Ambrose

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77	Hamby, Coy & Pauline
78	Hartman, C. Milton
79	Hekman, Sid
80	Hiser, Ray and Christina
81	Hopkins, Walter V. and Verda M.
82	Hornberg, Ken
83	Jellison, Clifford D.
84	Johnson, Byron
85	Johnson, H.E., Jr.
86	Johnson, Lowell
87	Jones, Steve H.
88	Lawver, Rowland C.
89	Lee, Mr. & Mrs. Robert E.
90	Linnemeyer, Art
91	Ludwig, Frank J.
92	Marlin, Wm. L. & Margaret
93	Martinez, Diana
94	Maynard, D.
95	Miller, Charles J.
96	Mullen, James H.
97	Nibecker, D
98	Odenback, Donald J.
99	Odenback, Marjorie J.
100	Odenback, Donald J and Marjorie J.
101	Ommert, Patricia
102	Ommert, Willard D.
103	Palombi, A.
104	Paradis, Mr. & Mrs. R.P.
105	Peck, Maribeth
106	Piggott, Grant D.
107	Rabone, Thomas S.
108	Rabone, Tom
109	Rankin, Mary
110	Ranney, Earl D.
111	Sabo, Charles E.
112	Sheldon, Adam and Kathi
113	Siegmund, Jim
114	Simmons, W.E.
115	Slagle, Larry & Joye
116	Smith, Carroll F.
117	Smith, William K.
118	Sorenson, Margaret
119	Spitz, Elizabeth & Harry
120	Stokes, Susan
121	Story, Vernon L. and Barbara J.
122	Sybrandy, Simon & Ida
123	Truitt, Will and Mickey
124	Urbanek, Mike
125	Urbanek, Mike
126	Vaughan, Mr. and Mrs. Sam
127	Vaughan, Mr. and Mrs. Sam

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128	Ward, Byron and Norma
129	Whitby, C.R.
130	Wight, Robert, D.
131	Wilson, Barbara L.
132	Withrow, Henry
133	Withrow, Henry
134	Wood, Elmer
135	Woody, Charles & Marita
136	Wooten, Karen
137	York, Everett H.
138	Zimmerman, K.
139	Albert, Diane (signed by 3 others listed below)
	Gerwin, Janet
	O'Rourke, Janice
	Piltch, Emily
140	Bauman, Lise
141	Bell, Marian
142	Bettendorf, Joline
143	Black, Jeffery D
144	Borzellino (sp?), M.
145	Brelje, Linda
146	Campbell, Liz (signed by 13 others listed below)
	Ambrosi, Mary
	Guiterrez, David
	Hamilton, Randy
	Haynes, GeorgeAnn
	Hedrick, Darlene
	Hedrick, Ken
	Jones, Bryn
	Jones, Kathryn
	Leathers, Tracy
	Petrillo, Sandi
	Somsuvanskul, Amra
	Villa, Rina
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147	Cerra, Christa
148	Churella, Albert
149	Coe, Clarence and Claine
150	Cronick, Glenn
151	Davidson, Ana
152	DeShon, B.J.
153	Doosey, Alice A.
154	Fanning, Lynda
155	Foster, Catherine
156	Fritzal, Nancy
157	Fromhold, Carol
158	Gill,Kimmie
159	Griffin, Mryt
160	Hyser, Gregory
161	Illegible
162	Illegible

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163	Jones, Andrew
164	Kling, John
165	Kock, Mary
166	Kozak, Fred
167	Livingston, Linnie
168	Locke, Jean
169	Marsh, George & Elsie
170	Mattin, Helen
171	McClain, Diane
172	Miller, Kathryn A.
173	Neel, Gwyn
174	Reinhard, Katie
175	Reinhard, Stella
176	Rydart, Margaret
177	Spilker, Peggy
178	Travinsky, Nina
179	Whilden, Jessica
180	Wilmot, Mary S.
181	Yaegel-Souffront, Teresa
182	Acosta, Jose
183	Acuna, Joey Jr.
184	Barbaro, Frank
185	Beckermann, Donald
186	Berger, Bradford
187	Bingham, T. J.
188	Boyd, Charles G. -- Undated letter to "Members of the Review Committee"
189	Boyd, Charles G. -- Undated "release" to various county supervisors and media
190	Boyd, Charles G. -- Undated "release"
191	Brands, Laura L.
192	Brenan, Colleen
193	Bumgardner, Steven M. (signed by 9 others listed below)
	Caprio, Anthony
	Daly, Bill
	Despain, Joel
	Ewell, Diane
	Haspp (sp), Dale
	Meisky, Donna
	Mutch, Linda
	Oertby, Jill
	Peterson, Arnold
194	Burrill, Rita S.
195	Charpied, Larry and Donna
196	Christensen, Kerry
197	Conter, Louis A.
198	Cooper, Jeff
199	Ganek, A
200	Gillis, Robert
201	Hague, George
202	Herrera, Miheal
203	Huggitt, Ron and Marie

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204	Jablow, Grace
205	Kielhofer, Betty
206	Kopp, Douglass & Kathleen
207	La Pierre, Yvette
208	Lee, G. Fred
209	Mika, Therese
210	Millman, Victor
211	Palmer, Lillian
212	Rideout, Christine
213	Ross (Goodman), Grace
214	Ross, Robert
215	Schlosberg, Mir -- Letter to Roy Wilson, County of Riverside Planning Dept., BLM, and the editor of Desert Sun
216	Schlosberg, Mir -- Letter to editor of Desert Sun
217	Sgynkowski, Ed
218	Sheldon, Elsie
219	Shmakoff, Lynne
220	Toenjes, Harrison R. Toenjes, Carolyn R. Toenjes, James H. Toenjes, Julianne M. Irwin, Dollie
221	Truitt, Will and Mickey
222	Underwood, Jackie
223	Very, Roland A.
224	Weber, John R.
225	Webster, E.B.
226	Weesner, Margaurt
227	Werner, Richard & Prudence
228	Whitaker, Howard J.
229	Wolfe, Gary A.
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230	Citizens for the Chuckwalla Valley
231	Held-Warmhessel, Jeanne
232	Ray, Richard Lee
233	McKibben, Dorothy
234	Boyd, Charles G.
235	Huddy, JoAnna
236	Scheel, William F.
237	James, Lynne
238	Siddique, Omar
239	Edelbrock, George N.
240	Edelbrock, George
241	Kahn, Jeanne
242	Williams, J.
243	Trummel, Marc and Joan
244	Inland Empire Concilio de la Raza, Inc
245	Schmidt, Fred
246	Hurdzan, Frank
247	HDR Engineering Inc.

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260	Whitaker, Howard
261	Dunnbier, Chris
262	Hurdzan, Frank
263	Sgambati, Michael
264	Chavez, Gilberto
265	Green, William & Arline
266	Scheel, William
267	Herrera, Efren & Emma
268	St. John, T.
269	Fehr, Linda

Responses to Comments

Introduction

Approximately 250 comment letters were received on the Eagle Mountain Landfill and Recycling Center Draft Environmental Impact Statement/ Environmental Impact Report (Draft EIS/EIR) during the 67-day public review period. In addition, 77 people testified at one or more of the four public hearings held throughout the County of Riverside (County) in August 1996. A summary table at the beginning of Volume II lists all the individuals, agencies, and organizations that submitted written or oral comments on the Draft EIS/EIR.

General Comments and Responses

In reviewing and considering the written and oral comments received on the Draft EIS/EIR, it became apparent that many commenters raised similar and overlapping issues. Consequently, to aid both the decisionmakers and the reviewing public, the following General Responses have been developed to address the key issues that were often raised during the public review period. These general responses are intended to summarize and supplement, but not replace, specific responses to individual comments submitted and are not intended to respond to every issue raised.

The individual responses to comments are cross-referenced to these General Responses, and in some instances, responses to other comment letters. The General Responses are summarized into the following categories:

1. The basic need for additional landfill capacity
2. Alternatives to the proposed Project
3. Potential impacts to Joshua Tree National Park
4. The land exchanges and rights attached to them
5. The adequacy of the landfill liner system to withstand seismic events and prevent groundwater from becoming contaminated
6. The potential impacts to biological resources
7. Potential impacts to air quality

General Response 1

A number of commenters questioned the Draft EIS/EIR's discussion of the basic need for additional landfill capacity. The Draft EIS/EIR conducted a detailed analysis of the

need to develop new Class III nonhazardous municipal solid waste landfill capacity for Southern California. This analysis included reviewing all available information concerning the Southern California region's waste generation and disposal needs, and developing short-term, medium-term and long-term assessments of the need for waste-disposal capacity in the Southern California region. The Draft EIS/EIR reviewed waste disposal capacity information contained in the countywide integrated waste management planning documents for seven counties in Southern California (Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Diego, and Ventura).

The Draft EIS/EIR analysis discloses that in the medium term (1996 to 2020), approximately 481 million tons of waste from the seven-county disposal region will require disposal annually, and that there will be inadequate permitted disposal capacity in Southern California for these needs. By the year 2020, approximately 48,000 tons per day of additional permitted disposal capacity beyond that currently existing will be required to meet the seven-county region's needs, assuming that the region meets the state-mandated recycling goals. The Draft EIS/EIR notes that some of the needed increase in disposal capacity could result from repermitting and expansion of existing capacity in currently permitted landfills, which could extend the life of some of these landfills by up to 10 years. The Draft EIS/EIR analyzed the case of all existing landfills being repermitted and/or expanded and proposed new landfills, which still resulted in a shortage in the seven-county region in disposal capacity of approximately 40,000 tons per day by the year 2020.

Additional recycling would also be inadequate to eliminate the need for additional landfill capacity. Even if recycling rates were hypothetically to increase above the 50 percent recycling rate mandated by Assembly Bill 939 (AB 939) to 70 percent by the year 2020, and the amount of waste generated regionally was reduced from approximately 71,000 to 47,000 tons per day (tpd), the amount of waste generated would still exceed existing permitted disposal capacity by more than 20,000 tons per day by the year 2020.

Since the Draft EIS/EIR was released in July 1996, several landfills in the Southern California region have closed, and some have been expanded (Table 1). The Azusa Landfill (6,000 tons per day [tpd]) in Los Angeles County, the Lopez Canyon Landfill (permitted for 4,000 tpd) in the San Fernando Valley region of Los Angeles, Bailard Landfill (1,500 tpd) in Ventura County, and the BKK Landfill (13,200 tpd), located near the City of West Covina, have closed. The San Marcos Landfill (3,000 tpd) is scheduled to close in early 1997. Elsmere Canyon, a regional landfill site proposed for the Angeles National Forest that would have required a land exchange with the U.S. Forest Service, cannot now occur as a result of recent federal legislation. Acting in response to court order, the Regional Water Quality Control Board (RWQCB) recently ordered the Azusa Landfill (6,000 tpd) to cease accepting municipal solid waste. Moreover, on November 11, 1996, the Los Angeles County Public Works Department announced that it was no longer considering Mission, Rustic, and Sullivan Canyons as candidate sites for County landfills.

Table 1

Regional Landfill Capacity Changes Subsequent to Draft EIS/EIR
Eagle Mountain Landfill and Recycling Center Project

Decreased Capacity			Increased Capacity		
Landfill	**County**	**Capacity (tpd)**	**Landfill**	**County**	**Capacity (tpd)**
Azusa (closed)	Los Angeles	6,000	Toland	Ventura	1,200
Lopez (closed)	Los Angeles	4,000	Sunshine	Los Angeles	6,000
Bailard (closed)	Ventura	1,500			
San Marcos[a]	San Diego	3,000			
BKK (closed)	Los Angeles	13,200			
	Total	**27,700 tpd**		**Total**	**7,200 tpd**

[a]Due to close 3/11/97; may be extended.

The Sunshine Canyon Landfill expansion in unincorporated Los Angeles County was approved in September 1996, resulting in a capacity of 6,000 tpd. The Toland Road Landfill was recently approved for expansion by Ventura County; current expansion scenarios for that project include 17 years at 850 tpd or 12 years at 1,200 tpd. A decision by the Riverside County Board of Supervisors has been postponed and will not be rendered before the end of April 1997 on the proposed El Sobrante Landfill Expansion Project in Western Riverside County (an expansion from 4,000 tpd to 10,000 tpd, and from 8 million tons of capacity to 108 million tons of capacity).

In total, since the Draft EIS/EIR was published in July, 1996, there has been a decrease of 27,700 tpd of potential future landfill disposal capacity, and about 7,200 tpd of additional permitted capacity has been approved as a result of landfill expansions. As available waste disposal capacity decreases, the cost for disposal will increase.

There are two other regional rail haul landfill projects that are in the permitting process. The Rail Cycle/Bolo Station Landfill Project in San Bernardino County is discussed on pages 2-70 through 2-71 of the Draft EIS/EIR. Since the Draft EIS/EIR was published, there has been no change in the permitting status and it is not clear at this time what schedule is proposed for pursuing approval of the Project.

The Mesquite Regional Landfill Project in Imperial County has received approval from Imperial County and the Bureau of Land Management. Appeals of a Superior Court ruling upholding the County approvals are pending at this time. The appellate review process may last from 12 to 14 months. The Project proponent must also obtain several remaining permits before construction and operation could begin in the event the trial court decision is upheld.

The Draft EIS/EIR analysis of landfill capacity requirements is based on the integrated waste management plans for each of the seven counties comprising the Project wasteshed. These county solid waste planning documents are the best available and most indicative data of the region's disposal capacity needs. According to these documents, in the long term (1996 to 2050), approximately 1.3 billion tons of waste will require disposal from the seven-county region, and by the year 2050, the daily total disposal needs for the region could reach 105,000 tons. This is the equivalent of the daily disposal capacity limits of five to six developments of the size of the proposed Eagle Mountain Landfill Project.

The Draft EIS/EIR also reviewed waste disposal capacity in remote landfill sites (sites located outside the State of California) and noted that there was substantial uncertainty as to whether any of these remote sites could provide a dependable long-term amount of capacity for the seven-county region's disposal needs. The sites included the La Paz Landfill in Arizona; the Butterfield Station Landfill in Arizona; East Carbon Canyon Landfill in Utah; Columbia Ridge Landfill in Arlington, Oregon; and the Roosevelt Landfill in Washington.

The Draft EIS/EIR identified uncertainty as to whether any or all of the remote sites out of Southern California could provide a dependable long-term solution for the seven-county region's disposal needs on the basis of several factors: (1) the cost of transporting waste considerable distances to out-of-state landfills, which increases proportionally with the

distance from Southern California; (2) the desire of many jurisdictions in Southern California to dispose of waste in-state; (3) the lack of direct rail access at some remote disposal sites (i.e., La Paz and Butterfield); (4) economic disincentives to out-of-state disposal, including export fees, flow control restrictions, and similar financial disincentives; and (5) potential political and/or environmental unacceptability of alternative remote disposal sites due to the less extensive environmental review accorded some out-of-state landfills compared to California's environmental review process for landfills.

Based upon the extensive review of the seven-county region's integrated waste management plans and information contained from other regional landfill site environmental impact analyses, the Draft EIS/EIR analysis concluded that by the year 2020 two or three rail haul disposal facilities (each with a waste disposal capacity of 20,000 tpd) could be required to meet projected disposal requirements. In the short term, at least one rail haul landfill facility will be needed to ensure that adequate alternative disposal-site capacity is available for jurisdictions in the seven-county region that will encounter a disposal capacity shortfall in the next 5 years.

General Response 2

Several commenters stated that the Draft EIS/EIR should have evaluated other proposed desert landfill sites as alternatives to the proposed Project. In response to the concern of several commenters that other potential desert landfill sites should have been considered in the alternatives analysis of the Draft EIS/EIR, this response summarizes the EIS/EIR analysis and conclusion that these other proposed sites are not true alternatives to the Project; rather, these sites should be, and have been, considered on the basis of their potential cumulative impacts with the Project.

The National Environmental Policy Act (NEPA) requires that an EIS contain an analysis of alternatives to the Proposed Action. The BLM's NEPA Handbook requires that an EIS describe the No Action Alternative and all reasonable alternatives, including related monitoring requirements, to the same level of detail as the Proposed Action. The BLM Handbook also requires that an EIS identify alternatives considered but eliminated from detailed analysis.

The California Environmental Quality Act (CEQA) requires that an EIR describe a range of alternatives to the proposed Project, or to its location, that could feasibly obtain the Project's basic objectives. The EIR should include alternatives that could feasibly accomplish most of the basic purposes of the Project, and which could avoid or substantially lessen one or more of the significant effects of the Project. CEQA applies a "rule of reason," which requires that an EIR evaluate those alternatives that are necessary to permit a reasoned choice. The EIR must examine, in detail only, those alternatives that the lead agency determines could reasonably and feasibly attain most of the basic objectives of the Project.

The range and type of feasible alternatives that are required to be examined in the EIS/EIR depend primarily on the purpose and the objectives of the proposed Project. If a proposed alternative does not provide a reasonable and feasible option to achieve the Project's basic

purposes and objectives, such a potential alternative can and should be eliminated from detailed consideration in the Draft EIS/EIR. Although a potential alternative cannot automatically be eliminated from detailed consideration because it does not fully achieve every element of the purpose and objectives of the Project, when a potential alternative does not substantially satisfy most of the central objectives of the proposed Project it can and should be eliminated from detailed consideration.

In the case of the Eagle Mountain Project, two of the primary objectives of the Proposed Action are to develop new Class III nonhazardous, municipal solid-waste landfill capacity for Southern California and to obtain economic benefits from Kaisers' former Eagle Mountain Mine Site. The EIS/EIR also specifies that the Project serves a number of additional purposes, including meeting the County's financial objectives to develop a long-term source of economic benefit and establishing an Environmental Mitigation Trust for acquisition of habitat for sensitive species.

Applying the principles from NEPA and CEQA, the alternatives considered in the Draft EIS/EIR of the proposed Project were determined to be: (1) No Action; (2) Reduced Volume of Onsite Disposal; (3) Alternate Road Access; (4) Rail Access Only, (5) Landfill on Kaiser Land Only; and (6) Landfill Development/No Townsite Development. Other potential alternatives that were considered but eliminated from detailed consideration were (1) landfill on other Kaiser Properties; (2) waste diversion; (3) offsite landfill locations; (4) landfill mining; (5) alternative townsite locations; and (6) alternative Townsite land use and densities. These potential alternatives were not analyzed in detail because they do not meet the basic objectives of the Project and/or are not within the jurisdiction of the County of Riverside.

Desert landfill proposals sponsored by others are not true alternatives because they do not meet several of the basic objectives of the Project, including development of an economically beneficial Class III landfill disposal site in the County of Riverside and reclamation of Kaiser's abandoned iron ore mine. Additionally, landfill projects sponsored by others and proposed to be located elsewhere are not "feasible" alternatives within the meaning of CEQA or NEPA. For example, there are no reasonable means by which the Project applicant could obtain another landfill project's entitlement applications and real property interests because these properties are owned and controlled by other applicants.

In addition, the County of Riverside's legal jurisdiction does not extend to other counties; thus an additional factor in the elimination of other desert landfill sites from consideration as alternatives under CEQA because the County has no feasible means to exercise police powers to gain control of property owned and controlled by others outside of its jurisdiction.

Finally, the EIS/EIR discusses the long-term need for waste disposal capacity in the Southern California region, and the need for more than one regional landfill to provide this long term capacity. Given the capacity shortfall projected for Southern California, more than one regional landfill would be necessary to provide disposal capacity.

Thus, the proposed regional landfills at other desert locations urged by commenters to be studied would, if approved, in some measure help address the Southern California region's

long-term waste disposal needs, but they are not true "alternatives" to the proposed Project. As noted above, the sites are not mutually exclusive, and for this reason the EIS/EIR properly examines these sites in the context of their potential cumulative impacts. Reviewing these other landfill projects as reasonably foreseeable future projects presents a more conservative environmental analysis, because it discloses the aggregate of impacts from regional sites, whereas the alternatives analysis approach would treat the sites singularly and not provide that same type of analysis. This EIS/EIR discloses the full range of anticipated and potential impacts from the Eagle Mountain Project, individually as well as cumulatively, with other landfill projects.

General Response 3

A number of commenters expressed concerns about potential impacts to Joshua Tree National Park (JTNP), and the standards against which the significance of the potential impacts was evaluated.

Agreement Between National Park Service and Kaiser/Mine Reclamation Corporation

Throughout the environmental analyses for this Project and preparation of the EIS/EIR, Kaiser/Mine Reclamation Corporation (MRC) and the National Park Service (NPS) have discussed the potential impacts of the Project upon JTNP. Notwithstanding the mitigation measures proposed in the EIS/EIR, JTNP believes that the location of the Project in relation to JTNP has the potential to cause unknown or unpredictable long-term impacts or intrusions to JTNP's resources and to place an additional funding burden on NPS to develop new scientific information, to undertake research, and to implement additional efforts to monitor and address possible impacts associated with the Project.

On December 9, 1996, the NPS and Kaiser/MRC executed an Agreement effective upon completion of the land exchange (Appendix T). The Agreement details contractual obligations and funding mechanisms that would be undertaken if the landfill is authorized to proceed. The NPS states in the Agreement with Kaiser/MRC that with the implementation of these contractual obligations and considering the responses to comments of the NPS, the EIS/EIR is a "complete analysis of the known effects of the Project upon the environment." Further, the NPS states that the proposed measures, if implemented, would "reduce the known effects of the Project on the Park (except for the potential effects on the wilderness experience) below the levels of significance required by CEQA." These measures are incorporated in the Final EIS/EIR in the Mitigation Monitoring and Reporting Program (Appendix M).

In the Agreement, Kaiser/MRC also recognizes the NPS's concerns about the Project, and provides additional measures to protect and preserve resources of JTNP in the event that the Project is authorized to proceed.

In addition, the Agreement provides that funds from the Environmental Mitigation Trust (as required by the U.S. Fish and Wildlife Service (USFWS) and funded by the Project) will be used to monitor and, if necessary, mitigate long-term impacts.

This Trust, which would be administered by the County of Riverside, directs how the funds are to be used. The Trust is described in greater detail in the response to General Comment 6.

Standards of Significance

Chapter 4 of the EIS/EIR defines measures of significance of environmental impacts for each potential impact area. Both CEQA and NEPA rules require that the significance of impacts be evaluated. CEQA and NEPA provide guidance about how significance should be defined for particular impacts, and this guidance was used in the Draft EIS/EIR. In addition, certain laws and regulations establish objective standards to be used in determining the significance of particular impacts, which were followed in the Draft EIS/EIR. Where laws or regulations have not established such objective criteria for other potential impacts, the appropriate federal, state, and local agencies were consulted in formulating standards of significance. In so doing, significance criteria were developed using conservative assumptions. Although some of the standards address classes of resources differently (e.g., noise criteria for all wilderness areas are more stringent than for nonwilderness areas), the criteria for assessing impacts and the methods used to assess impacts were applied uniformly to similar resources administered by the BLM, the NPS, and other land owners in the vicinity of the proposed Project.

Potential Impacts to JTNP

Prior to entering into the Agreement discussed above, the NPS has commented on the Draft EIS/EIR (see Response to Comments 1A to 1G and 1-1 through 1-182 of this EIS/EIR). JTNP and other commenters stated concerns about impacts to the park, and stated opposition to the development of the Project because of its proximity to the Park. The following text provides a summary of the impacts attributable to the proposed Project that were raised in the comments.

Biological Impacts. General Response 6 addresses biological impacts, including biological impacts within JTNP.

Windblown Debris. Certain commenters raised concerns that an increase in windblown debris and litter may increase the number of predators in the area. Other commenters raised concerns about debris and litter leading to a release of nutrients that might adversely impact the desert ecosystem. These concerns are addressed in General Response 6, below.

Litter will be controlled by the applicant, MRC, through waste compaction and daily soil cover. The active working face of the landfill will be limited to no more than 2 acres at a time. Portable litter fences will be installed around all active landfill and waste handling areas and will be regularly patrolled. If winds increase, the number of litter patrol personnel

will be increased; if winds are strong enough that even additional litter patrol workers cannot control litter, the working face will be covered with soil, and operations will be suspended until winds are calmer.

To control conditions at the Townsite that could also lead to an increase in predators, measures identified for predator control will also be employed at the Townsite. These measures will include educating Townsite residents of the factors that increase raven and other predator populations, and restrictions requiring disposal of trash and garbage only in tightly closing trash receptacles. Areas around businesses will be patrolled regularly to collect trash. Feeding domestic animals outside in areas accessible to ravens will be prohibited. Buildings and other structures that could provide nest sites for ravens will be monitored regularly.

MRC has committed to a "zero tolerance" policy for litter impacts to JTNP. Litter control measures will be jointly evaluated by MRC, the BLM, and NPS. If litter from the Project is found within JTNP, litter will be removed using a method approved by the NPS. Additional feasible measures will be identified and implemented, if necessary. With the implementation of the litter control measures identified in the EIS/EIR, the potential for litter to affect JTNP will be below the level of significance.

Dust. Several commenters questioned whether regional visibility could be affected by emissions of different particulates into the air. Potential dust impacts to JTNP are addressed in General Response 7 below.

Visual Resources. Several commenters questioned whether the landfill would constitute a significant visual impact to users of JTNP and other wilderness areas.

A number of the comments that address the visual impact of the landfill primarily focus on the appropriateness of the visual assessment methodology used in the Draft EIS/EIR. The BLM methodology was used because the NPS does not have its own recognized visual assessment methodology and the BLM, as the lead federal agency for the EIS, uses a methodology that is one of several visual resource assessment methodologies used and accepted by federal agencies. Applying that methodology, a visual contrast rating for the existing disturbed area of the Kaiser mine site and the surrounding landscape was developed, and then a visual contrast rating for the proposed Project and the surrounding landscape was developed. These contrast ratings were developed from eight Key Observations Points (KOPs) selected in consultation with the NPS.

The BLM methodology uses a weighted quantitative scoring of four basic visual elements: color, form, line and texture for each of the major landscape features. Color, not form or line, was given the most weight because color creates the highest visual contrast between the mine or the Project and the surrounding landscape. Also, in the BLM methodology, the number of viewers is only one factor of several used to assign sensitivity ratings and to assess impacts. For example, views from JTNP were assigned the highest sensitivity level based on viewer expectations.

Using the BLM methodology, the analysis indicates that during the early stages of operations, the landfill would slightly improve the visual quality of the site, except to viewers at higher elevations in the Eagle Mountains within the border of JTNP. This is because the landfill would generally cover areas previously disturbed by mining that have an equal or greater contrast, without becoming a dominant landform or blocking the view of the mountains. During the latter stages of operations and after final closure, the visual contrast rating for the Project is moderate after implementation of two important mitigation measures. First, the color of the landfill—the critical visual element for this site—will be made similar to the surrounding landscape through use of similarly colored cover soil. Second, the visual contrast of the landfill's form and line will be reduced by making the final contours more irregular and less even to the extent possible. Thus, when compared to the existing disturbed mining site, the Project's visual impacts are not considered to be significant.

Nighttime Lighting. Some commenters also questioned whether the Project would cause a noticeable increase in nighttime lighting evident for viewers in JTNP. To respond to this concern, an additional field analysis of potential nighttime lighting impacts was prepared for the Final EIS/EIR (Appendix W). This additional analysis first measured existing nighttime light at points within JTNP and at other locations near the Project site. Next, nighttime light from the Project was estimated and compared with existing conditions to determine the likely impacts attributable to the Project. The analysis concluded that within JTNP, while direct views toward the Project would include vehicle and equipment headlights and light at the waste receiving areas (until operations close at 10:00 p.m.), these views are already affected by lights visible from, among other places, the community correctional facility; and there would be no increase in light levels that would be measurable from within JTNP. Because cutoff-type lights would be used exclusively, the Project would not increase the amount of light directed upward above the plane of the light. There would, however, be a minor increase in the amount of light reflected from the ground surface. This minor increase in "skyglow" could be visible from the areas of the JTNP boundary and areas adjacent to the Project site, but would not be noticeable from beyond approximately 2 miles and from the more heavily used areas of JTNP located to the west.

The Wilderness Experience. Section 4.11 of the Draft EIS/EIR evaluates the Project's potential impacts to, among other things, the "wilderness experience." This analysis discusses two components of wilderness—wilderness resources and an individual's wilderness experience. Wilderness resources are defined as a distinct resource with component parts (e.g., air, water) that interact as a single ecological unit. Potential impacts to wilderness resources are defined to include the range of potential impacts associated with the physical resources comprising wilderness areas. These physical impacts are discussed throughout Section 4 under the resource topic headings. The wilderness experience is defined in terms of the personal experience of individuals in a setting of solitude, and the analysis focuses on the sensory experience of an individual using wilderness resources. The Draft EIS/EIR concludes that the Project's potential impacts on this matter could not be reduced to a level of insignificance.

Certain commenters questioned the Draft EIS/EIR's conclusion that the impact to the wilderness experience is not quantifiable or objectively measurable. For example, NPS

initially suggested using its analysis known as "Vision Experience and Resource Protection" (VERP). NPS uses the VERP process to make internal park-specific management decisions. A critical element of the VERP process is data derived from interpretations by park managers of visitor use perceptions in the context of specific park management objectives. After consulting with NPS about the applicability of the VERP process, JTNP stated that the VERP process is not an appropriate process for evaluating the significance of the Project's impacts on the wilderness experience.

JTNP Boundaries. In preparing the Draft EIS/EIR, all previous comments submitted by the NPS on the Administrative Draft EIS/EIR were reviewed and considered. Several commenters questioned the currency and accuracy of maps contained in the Draft EIS/EIR. In several meetings with NPS and JTNP staff during the preparation of the EIS/EIR (February 22, 1995; July 21, 1995; January 22, 1996), JTNP staff stated that the DOI maps, which form the basis for those used in the Draft EIS/EIR, were the most recent, accurate maps depicting the JTNP boundaries. It is also noted further that, to date, neither NPS nor JTNP staff has provided revised or more current maps for inclusion in the Draft EIS/EIR. Representatives from the NPS stated in February 1995, that they are in the initial stages of working with the BLM and the Metropolitan Water District of Southern California (MWD) to develop a legal definition of the new boundaries of JTNP and that NPS staff are working with BLM's surveyors to identify and eliminate all boundary errors. The NPS stated that after these quality control measures are completed, the boundaries will be submitted to the Department of the Interior in Washington, D.C., for approval.

General Response 4

Several commenters questioned aspects of the proposed land exchange. The following sections address specific comments of concern related to the land exchange.

The proposed land exchange and right-of-way grants for the Project are described in Section 1.2.4 (Federal Role) and in Section 2.1 (Proposed Action) of the Draft EIS/EIR. To address comments concerning the proposed land exchange and right-of-way grants, this General Response summarizes the key features of these proposed actions and then responds to a variety of specific questions and concerns.

In the proposed land exchange, BLM would convey to Kaiser approximately 3,481 acres of public land plus BLM's reversionary interest in an approximately 461-acre parcel known as the Kaiser campsite (collectively, the "Selected Lands"). All of the Selected Lands are located within the Project site, and a substantial portion of them have been severely disturbed by past mining operations. In addition, a substantial portion of the Selected Lands are subject to unpatented mining claims held by Kaiser. In return for these lands, Kaiser would convey to BLM approximately 2,846 acres of land containing sensitive habitat currently owned by Kaiser (the "Offered Lands"). The Offered Lands are located adjacent to the Eagle Mountain Railroad, outside the Project site itself, and provide habitat for sensitive species such as the desert tortoise and the desert pupfish. The Selected and Offered Lands are depicted in Figures 2-1, 2-2, and 2-3 in Section 2.1.1 of the Draft EIS/EIR.

In addition to the land exchange, the Project proponents have applied for two right-of-way grants. The first right-of-way is for approximately 28.6 miles of the 52-mile Eagle Mountain Railroad line, which would be used by trains traveling to and from the Project site. This right-of-way would be issued pursuant to the Federal Land Policy and Management Act of 1976 (as amended), and would replace an existing right-of-way that was issued pursuant to Private Law (PL) 790. The second right-of-way is for approximately 6.75 miles of Eagle Mountain Road, which would be used by trucks traveling to the Project site. This right-of-way also would be issued pursuant to FLPMA, and would be held jointly by Kaiser and the Metropolitan Water District. Both rights-of-way would be issued subject to terms and conditions imposed on their use by BLM, including mitigation requirements. The rights-of-way are described in more detail in Section 2.1.2 of the EIS/EIR.

The following responses address specific concerns raised by commenters with respect to the land exchange and rights-of-way:

Kaiser Ownership and Control of Project Lands

Commenters inquired about the extent of Kaiser's vested mining rights and land ownership at the Project site. As discussed in the Draft EIS/EIR, the Project site consists of lands owned in fee by Kaiser (i.e., patented lands plus other lands owned by Kaiser), BLM-administered lands that are subject to unpatented vested mining and mill site claims held by Kaiser, and other BLM-administered lands (see, for example, Draft EIS/EIR Sections 1.2.4 and 2.1 and Figure 5-13). Approximately 2,071 acres of the Landfill Specific Plan area are owned by Kaiser in fee, and approximately 1,685 acres of the Landfill Specific Plan area are located on vested mining and mill site claims held by Kaiser.

Status of Lands Along the Eagle Mountain Rail Line and Rights-Of-Way

The land ownership and rights along the Eagle Mountain Railroad are described in detail in Section 2.1.2.3 of the Draft EIS/EIR. The existing right-of-way from the BLM covers approximately 28.6 miles of the 52-mile rail line; the remainder of the rail line traverses lands that are currently owned by Kaiser, and other federal agencies and private landowners which have issued easements or other permits to Kaiser for the rail line.

Reversionary Interest of the United States

The reversionary interest of the United States in the approximately 461 acres patented to Kaiser in 1955 under PL 790 is discussed in Section 2.1.1.3 of the Draft EIS/EIR ("Reversionary Interest in Townsite Area and Rights-of-Way") and in a Department of Interior Regional Solicitor's Opinion contained in Appendix O. As stated in the Opinion, "The surface estate will not revert to the United States automatically, but would only revert upon the election of the Secretary [of Interior], based upon a finding that the facts support the applicability of the reversionary clause..." The BLM has determined that the reversionary interest under PL 790 has not been triggered. Furthermore, as noted in the Regional Solicitor's Opinion, control of the reversion rests with Kaiser because Kaiser can prevent the reversion by using the property for mining-related purposes. Thus, if the Project does not go

forward, the campsite and the railroad right-of-way (i.e., the lands on which the United States retains a reversionary interest) could remain in Kaiser's ownership. As a result, these lands would not necessarily revert to the United States if the Project does not go forward.

The activity allowed on the Kaiser campsite and railroad right-of-way are governed by the terms of Private Law 790. This law was interpreted by the Solicitor's Office in the legal opinion of February 3, 1993, and was determined that "Kaiser's lease of a portion of the property for the operation of a correctional facility was within the rights granted to Kaiser by the patent [under Private Law 790]." Kaiser has not developed plans for the use and/or development of the Project site in the event that the No Action alternative is selected. Kaiser would be entitled to continue mining or mining-related activities in its discretion.

Current Ownership and Use of the Offered Lands to be Conveyed to the BLM

Commenters inquired about the current ownership and use of the offered lands that are proposed to conveyed to the BLM as part of the BLM/Kaiser land exchange. The Offered Lands are currently located in areas designated as Desert Areas or Mountain Areas under the County's General Plan and zoned as W-2, W-2-10. Because the Offered Lands are owned entirely by Kaiser, they are not currently under the jurisdiction of the BLM, and the use of those lands, including the portions of the Offered Lands which abut the Eagle Mountain Railroad, is not currently restricted by the BLM. If the land exchange is approved, the Offered Lands will be managed by the BLM in accordance with the California Desert Conservation Area Plan and any applicable management plans, activity plans, and habitat plans thereunder. The Offered Lands were acquired by Kaiser over time since the opening of the mine, and are not subject to any reversionary interests.

Determination of the Economic Value of the Offered Lands

Commenters inquired about how the economic value of the offered lands was derived. As referenced in the Draft EIS/EIR (see, e.g., Section 2.1.1), the land exchange must be made in accordance with the requirements of the Federal Land Policy and Management Act of 1976 (as amended) and implementing regulations, which include the requirement of an appraisal of both the Offered and Selected Lands. As indicated in the Draft EIS/EIR, appraisals were previously performed on the Offered and Selected lands, and those appraisals have been updated. Kaiser owns the approximately 461 acres in and around the Townsite covered by PL 790, subject to a reversionary interest of the United States in that land. As part of the land exchange, all reversionary interests would be conveyed from BLM to Kaiser. Pursuant to BLM's instructions, both the original and the updated appraisal valued the reversionary interest being conveyed from BLM to Kaiser as a fee simple interest (exclusive of Kaiser-owned and -financed improvements). Thus, if the land exchange is completed, the value assigned to the Selected Lands being transferred from BLM to Kaiser would be much higher than would typically be the case if the interest being conveyed were valued merely as a reversionary interest. A Summary of Updated Appraisals is located in Appendix V of the Final EIS/EIR. The new appraisals prepared by an independent appraiser selected by the BLM value the Offered Lands at $268,000.

Resource Value of Offered Lands

Commenters asked how the Offered Lands were selected for the exchange and asked for a description of resources, including biological resources, on the Offered Lands. The Offered Lands comprise nonmining lands that are owned by Kaiser east of Chiriaco Summit in Riverside County.

As described and depicted in Sections 2.1.1.2, 3.5, and 3.11 of the Draft EIS/EIR, the Offered Lands include lands within the boundaries of the Chuckwalla Bench and the Salt Creek Areas of Critical Environmental Concern. The Offered Lands are intended to, among other factors, promote the consolidation of federal ownership of environmentally sensitive lands and support the BLM's efforts to promote biodiversity. The mitigation measures for the proposed Project include the requirement that Kaiser provide to the BLM 400 acres of desert tortoise habitat as direct mitigation for the loss of 160 acres of desert tortoise habitat from Project implementation (see Section 4.7.3.3 of the Draft EIS/EIR). Also, the Environmental Mitigation Trust fund will provide funds for the acquisition and protection of other lands with high ecological or wilderness values. The proposed land exchange will enhance the protection of the Offered Lands by minimizing the potential for development. Without the proposed land exchange, the restrictions on developing these privately owned lands are less than if the land exchange is approved and the federal government obtains unfettered control of the lands. After the Offered Lands are transferred to the United States Government, protection of the these lands is anticipated to be the primary objective for their management. In addition to the biological resource values of the Offered Lands, the EIS/EIR discusses effects on specific resources, including Public Health and Safety (Section 4.2); Traffic and Transportation (Section 4.3), associated with the rail traffic along the Eagle Mountain Railroad (i.e., through the Offered Lands).

General Response 5

Several commenters on the EIS/EIR questioned the adequacy of the document's discussion regarding the landfill composite liner system, and the ability of the system to withstand seismic events. The Draft EIS/EIR has relied on thorough geologic, seismic, and hydrogeologic site investigations and expert opinion and conclusion, summarized below and referenced in detail in the Draft EIS/EIR, to evaluate the performance and reliability of the composite liner system proposed for the Project. The composite liner system evaluated in the Draft EIS/EIR was designed specifically for the site based on the information and data obtained in the site investigations. In connection with the evaluation of the liner system, the Draft EIS/EIR identified potential impacts to groundwater and required installation of the liner system as proposed with other mitigation measures as required by CEQA. The Draft EIS/EIR determined that with the implementation of mitigation measures, including the liner system, the potential for groundwater impacts would be mitigated to a level below significance. The basis for the Draft EIS/EIR discussion of the liner system performance and the ability of the liner to withstand seismic events is set forth below.

The purpose of a composite (geosynthetic and clay) liner system is to contain landfill gas and leachate (water or liquid coming into contact with the solid waste) within the waste

management unit, and to prevent the escape or release of the leachate and/or landfill gas to the environment. The Draft EIS/EIR notes that the Eagle Mountain Landfill will generate very little, if any, leachate due to the arid climate, low average annual rainfall (fewer than 4 inches), and anticipated relatively low (21 percent) moisture content of the incoming waste. The active landfilling (working face) area of the landfill will be kept to approximately 2 acres or less, reducing the potential for rainfall infiltration during infrequent, but heavy desert rainstorm events.

The composite liner system is designed to prevent escape of any leachate and/or landfill gas to groundwater. With regard to leachate, a key feature of a composite liner is to keep any liquid off the geosynthetic membrane liner to limit the potential for leakage. A leachate collection and removal system, using coarse permeable gravel, above the composite liner to drain leachate from the landfill before it reaches the liner system. The leachate is drained to a collection point where it is then removed. The capacity of the leachate collection and removal system was designed to be much larger than required by regulation, particularly given the arid climate and low potential for leachate generation. Leachate removal prevents the build-up of leachate hydraulic head pressure on top of the composite liner. Below the base composite liner is a *secondary* composite liner consisting of a high density polyethylene (HDPE) liner and geosynthetic clay liner to provide additional protection against the escape of leachate. The Draft EIS/EIR (at page 4.1-11) references and summarizes the field studies and expert analyses regarding the long-term performance capabilities and durability of composite liner protection systems, which have been proven to be highly effective in containing leachate and preventing groundwater impacts from other landfills.

The landfill will naturally produce landfill gas as a by-product of the microbial waste decomposition process within the landfill. The composite liner acts as a barrier to prevent migration of landfill gas from the bottom and sides of the landfill. In addition, the landfill design incorporates an active landfill gas collection and recovery system to remove landfill gas from the landfill. The landfill design also incorporates a vadose zone gas monitoring system beneath the landfill as a secondary containment system and early warning detection system. These added monitoring systems exceed regulatory requirements for landfill gas monitoring at municipal solid waste landfills in California.

The composite liner system developed for the Project and evaluated in the EIS/EIR is designed to meet or exceed state and federal seismic design requirements. The Draft EIS/EIR (Section 4.9) notes that the Project site is east and outside of the areas of high historical seismicity in Southern California. Notwithstanding the limited historical seismicity at the Project site, the landfill liner system is designed to withstand seismic shaking from large earthquake events. The Draft EIS/EIR evaluated the ability of the liner system to withstand seismic shaking, which is summarized in Section 4.9.3 with detailed references and analysis provided in Appendix H of the Draft EIS/EIR. As is noted in the Draft EIS/EIR, state and federal regulations for seismic design of landfills are significantly more stringent than seismic standards for commercial and residential structures.

Although the Eagle Mountain site lies east of the zone of historically high seismicity in California, the Draft EIS/EIR evaluated the performance of existing landfills with and

without composite liners in the California coastal zones subject to seismic activity, particularly focusing on the 1994 Northridge earthquake. Evaluations of landfills in proximity to the epicenter of the Northridge earthquake (including the Sunshine Canyon Landfill and the Lopez Canyon Landfill) showed no earthquake-induced damage to landfills or structures that resulted in a release of waste or leachate to the environment. The primary impact of the quake's strong ground motions was the cracking of cover soils and temporary disruption of landfill gas collection systems. Observations of two landfills with geosynthetic composite liner systems, Lopez Canyon and Bradley Landfills, provided clear evidence that a composite liner system constructed to federal and state Subtitle D standards can withstand strong earthquake-induced ground shaking without any damage that would result in environmental impact or damage to resources.

The Draft EIS/EIR analysis concluded that the Eagle Mountain Landfill liner system would withstand a major seismic event based on the following factors: the location of the Project outside the area of historic high seismicity; the absence of active faulting at or near the Project site; a conservative technical design to meet the prescriptive regulations in Subtitle D, as well as site-specific requirements under California regulations; and evaluations of the performance of landfills with and without composite liners after strong seismic events, notably the 1994 Northridge earthquake. The seismic design and evaluation, including the site faulting investigations, are summarized in the Draft EIS/EIR at Sections 2.0, 4.1, and 4.9, and are detailed in Appendix H of the Draft EIS/EIR, as well as the Report of the Waste Discharge filed with the Regional Water Quality Control Board (RWQCB) (referenced in the Draft EIS/EIR).

The landfill will be secured with a final cover consisting of compacted soil material and flexible HDPE-type geomembrane, along with an erosion protection layer. The landfill final cover will be installed progressively as the landfill is developed, thus providing an additional means to prevent generation of leachate from rainfall.

The landfill will also be subject to state and federal groundwater monitoring requirements, as well as a vadose (unsaturated) zone monitoring system located below the primary composite liner and above the secondary composite liner. The Draft EIS/EIR describes the groundwater monitoring well system in detail, including the basis for well placement based on site-specific hydrogeologic subsurface investigations. The Draft EIS/EIR also describes the technical analysis and design for monitoring the fractured bedrock beneath the site, which has been extensively studied through a number of hydrogeologic investigations.

The vadose zone monitoring system, which lies directly below the primary composite liner, will enable the early detection of any leachate release before such leachate could impact the groundwater. The vadose zone system also includes gas monitoring, not required by state or federal regulations.

The Draft EIS/EIR also includes a Technical Advisory Panel (TAP) report prepared by a panel of experts who independently evaluated the landfill project and the composite liner system, concluding that the primary and secondary composite liner systems represent the state-of-the-art and are safe, reliable, and durable for long-term performance. In addition, the

TAP evaluated slope stability and seismic design, and concluded the design would be stable and withstand seismic shaking. The TAP report is provided in the Draft EIS/EIR at Appendix C-2. The basis for the Draft EIS/EIR analysis and conclusions regarding groundwater quality impacts are set forth in Sections 3.1, 3.9, 4.1, and 4.9 of the Draft EIS/EIR, and in more detailed information provided in Appendix C to the Draft EIS/EIR, as well as the Report of Waste Discharge submitted to the RWQCB, referenced in the Draft EIS/EIR and Appendix C.

General Response 6

Several commenters questioned the Draft EIS/EIR's conclusions regarding biological impacts and proposed mitigation measures. In order to assess the biological impacts attributable to the Project, a review of various environmental documents and literature was undertaken and a number of field surveys were conducted. Over 2 dozen federal, state, and contracted environmental documents were reviewed. Literature concerning federal and state special species was also analyzed. Extensive field surveys of the Project site and the vicinity were conducted in 1989 and 1990 in connection with the previous EIS/EIR. These surveys are discussed in the Draft EIS/EIR in Section 3.7 and Appendix G. In order to update these surveys, additional field surveys were conducted in 1995 and 1996. The results of these surveys are in Appendix G.

Field Surveys and USFWS Biological Opinion

Several commenters noted that the more recent biological surveys identified additional species present in the Project area, including 15 additional bird species and 23 additional plant species, among which were two species that were previously classified as Category 2 candidates *(California Ditaxis and Las Animas Columbrina).* Category 2 species are those for which information is currently being collected to see if the species should be listed as threatened or endangered.

In February 1996, the "Category" status was eliminated. The status of the existing Category 2 candidates discussed in the EIS/EIR were changed to either "Candidate" or "Species of Concern" (*Federal Register*, February 28, 1996). Both of these reclassifications are defined as species that need further biological research and field study to resolve their conservation status. Neither the "Candidate" nor the "Species of Concern" are afforded regulatory protection status under the Endangered Species Act. The status of both of the former Category 2 candidate plant species discussed in the EIS/EIR was changed after February 28, 1996, to Species of Concern. The description of the status of these species and others has been changed in the Final EIS/EIR to reflect the *Federal Register* notice.

As a result of the removal of the Category 2 status for select plant and wildlife species addressed in the EIS/EIR, there is no requirement for protection of these species, including the mitigation measures currently included in the EIS/EIR. These mitigation measures, however, have been retained, resulting in greater protection than is required by existing environmental regulations as a result of reclassification.

Several commenters also raised the need to reinitiate consultation with the USFWS and issue a new biological opinion. The USFWS was asked to consider whether Section 7 consultation must be reinitiated. In a letter dated September 30, 1996 (in Appendix O of the Final EIS/EIR), the USFWS determined that there is no need to reinitiate consultation relative to Section 7 of the Endangered Species Act.

Potential Impacts to Species Listed in Draft EIS/EIR and Mitigation Measures

Commenters raised concerns about the analysis of the biological impacts contained in the Draft EIS/EIR. These comments, which focus on impacts to bighorn sheep, bats, desert tortoises, pupfish, and certain cacti, are discussed below.

Nelson's Bighorn Sheep. The Draft EIS/EIR discusses the potential for losses of individual Nelson's bighorn sheep to train kills and the potential for fragmentation of habitats and populations on page 4.7-12, with mitigation described on page 4.7-29 and 4.7-30. The Final EIS/EIR has been clarified to indicate that the average train speed for trains going toward the site would be 20 miles per hour (mph), and the average speed for trains leaving the Project site would be 40 mph.

Mitigation for impacts to Nelson's bighorn sheep is described on pages 4.7-29 and 4.7-30 of the Draft EIS/EIR. Additional mitigation details have since been developed in consultation with the CDFG. Key among the mitigation measures included in the Project design is the establishment of a 644-acre buffer zone that includes habitat for this species. Four permanent water sources will be established, two near the Project site at locations recommended by CDFG and two along the rail spur south of Interstate 10 at locations to be determined with CDFG and NPS biologists. Water sources will be filled by MRC if natural runoff is insufficient to maintain them. The tanks will be designed in conjunction with CDFG. There will be a "four-time" replacement requirement so that the water sources will be functional throughout the life of the Project. Domestic livestock, including cattle, sheep, swine, and goats, will not be permitted to be kept at the Townsite to prevent the transmission of diseases that may affect the Nelson's bighorn sheep. All domestic dogs will be required to be restrained and controlled at the Townsite to prevent them from harassing or killing sheep. In addition, bighorn sheep use the entire Eagle Mountain range, and would use newly located water sources without being translocated. (Divine and Douglas 1996; Appendix N.)

California Leaf-Nosed Bats. Mitigation for impacts to bats is described on page 4.7-29. Revised mitigation measures have since been developed in consultation with CDFG. Extension of the Kaiser Eagle Mountain Mine adit is not currently proposed because of the CDFG's opinion that this measure would not likely succeed. Instead, the Black Eagle Mine adit will immediately be opened to create a potential alternative winter roost site for the California leaf-nosed bat. The opening of this adit will be gated with a CDFG-approved bat gate and the success of this mitigation will be monitored by a CDFG-approved biologist. In addition, should monitoring at the Kaiser Eagle Mountain Mine and Black Eagle Mine adits indicate that bats are abandoning the Kaiser Eagle Mountain Mine adit and not recolonizing the Black Eagle Mine adit, a new adit will be constructed that provides suitable

environmental conditions for California leaf-nosed bats at a location to be determined in conjunction with appropriate resources agencies.

Desert Tortoises. The Draft EIS/EIR fully analyzed the impacts to desert tortoise from the railway and the road bisecting the tortoise habitat and located within the Chuckwalla Unit. Mitigation for impacts to this species is described on pages 4.7-20 through 4.7-28 of the Draft EIS/EIR.

Among these are mitigations that are consistent with the management actions recommended in the Recovery Plan, including restricting train traffic and constructing certain barrier fencing. In addition to recommendations identified in the Recovery Plan, proposed mitigation to reduce or avoid loss of tortoises from reactivation of the railroad includes placement of ballast within railroad tracks to facilitate movement of tortoises from between the tracks, and a survey of tracks prior to each train trip from February 1 to October 31 to remove tortoises from the tracks prior to train passage. This mitigation will allow safer passage than currently exists and will allow tortoises access to habitat on both sides of the tracks throughout the life of the Project. Additionally, the Environmental Mitigation Trust would be used, in part, to acquire and protect private inholdings that provide tortoise habitat (and habitat for other species) within these two Desert Wildlife Management Areas, thus reducing potential habitat fragmentation for tortoises and other species.

These mitigation measures have been discussed with California Department of Fish and Game (CDFG), and the Final EIS/EIR has been revised to indicate that CDFG will be included as a full partner with the NPS and the BLM in the approval of the location of the 400 acres of tortoise habitat on the Chuckwalla Bench intended to mitigate the loss of 160 acres of habitat resulting from improvements to Eagle Mountain Road and its extension. In addition, as noted earlier in this General Response, raven control measures will also be implemented at the Townsite.

Several commenters questioned the conclusions of the analyses regarding the efficacy of tortoise mitigation measures that are summarized in Section 4.7.3.4 and presented in Appendix G of the Draft EIS/EIR.

In response to the Court's determination that the previous EIR did not provide substantial evidence to support the conclusion that the mitigation measures will be effective in reducing the risks to the desert tortoise, a review and analysis was conducted of 263 projects that have been authorized in desert tortoise habitats by the USFWS under 234 federal Biological opinions, to determine the efficacy of terms, conditions, and other mitigation measures in protecting tortoises, particularly during construction and operation phases.

It should be noted that to date, five regulatory documents have identified measures to protect desert tortoises for the Eagle Mountain Project, including the Biological Opinion, a California Department of Fish and Game 2081 Permit and 1603 Streambed Alteration Agreement, the 1992 EIS/EIR, and the 1993 BLM Record of Decision (ROD). The Biological Opinion for the Project includes all mitigation measures for desert tortoises included in all the other regulatory documents, with the exception of a 35-mph speed limit on

Eagle Mountain Road, which was included only in the Project's 1993 ROD. Therefore, analysis of the efficacy of the measures required by the Biological Opinion includes almost all such measure identified to date.

The Biological Opinion for the Eagle Mountain Project includes 9 "core conditions" that are typically found in other Biological Opinions, and 12 additional conditions, which are more specific to the Eagle Mountain Project. The analysis of 234 Biological Opinions found that the 9 core conditions are also found in the majority of Biological Opinions for other projects; 8 of the remaining 12 conditions are occasionally found in other Biological Opinions, and 4 are unique to the Eagle Mountain Project. The 234 Biological Opinions were reviewed to determine whether the conditions they required addressed long-term impacts; the similarity of the conditions required by these other Biological Opinions and the Eagle Mountain opinion suggest that these measures will be effective in the long-term.

The analysis of the 234 Biological Opinions indicates that for the 263 projects covered by these Biological Opinions, tortoise mortality was only 5.4 percent of what was allowable by the USFWS in the Biological Opinions. Even if tortoise mortality had been 100 percent of that allowed by the USFWS, that level of mortality would not be considered by the USFWS to jeopardize the tortoise.

Desert Pupfish. The Draft EIS/EIR discusses the potential for impacts to the desert pupfish associated with rail accidents and construction and identifies mitigation measures (pages 4.7-3 and 4.7-4 and 4.7-16 through 4.7-19). With these mitigation measures in place, significant impacts to the desert pupfish are not anticipated, as was confirmed by the Biological Opinions prepared by the USFWS (USFWS, 1992, 1993).

Mitigation measures are identified in the Draft EIS/EIR (pages 4.7-16 through 4.7-19). The details of these mitigation measures have been discussed with CDFG, and the Final EIS/EIR has been revised to indicate that CDFG would determine the source of the individual pupfish collected for establishing the population at the proposed Deep Canyon Reserve.

Alverson's Foxtail Cactus. Since the Draft EIS/EIR was published, the results of an experiment in transplanting Alverson's foxtail cactus at the Project site have become available. These results indicate 100 percent survival of transplanted individuals 2 years following transplant. Additionally, 95 percent of these transplanted individuals have flowered following transplanting. Based on these results, additional mitigation for Alverson's foxtail cactus is proposed to include the collection of seed from transplanted individuals. Seed will be stored under appropriate temperature and humidity at the Department of Biology, University of California, Riverside, or similar institution. The survival of transplanted individuals will be monitored for 5 years following transplanting.

California Barrel Cactus. The Final EIS/EIR has been modified to clarify that approximately 600 individual of this species would be lost over the approximately 100-year life of the Project, rather than at one time. Mitigation will include transplanting individuals located within the area included in the active phase of the Project as the Project proceeds through each phase. These transplants would occur according to procedures acceptable for

transplanting cacti. During the reproductive season prior to transplanting, seeds from individuals to be transplanted will be collected and stored under appropriate temperature and humidity at the Department of Biology, University of California, Riverside, or similar institution. Survival of transplanted individuals will be monitored for 5 years following transplanting.

Potential Impacts to Additional Species

Some commenters questioned if the proposed Project would cause significant impacts on species other than those identified in the Draft EIS/EIR (i.e., mountain lions, lizards, owls, and scrub jay). As described below, no such impacts are expected to occur.

Mountain Lion. Section 3.7 of the Final EIS/EIR has been revised to indicate the presence of a single mountain lion, that is known (based on sightings near the community correctional facility and pug marks at the well) to include the Project area in its territory. Approximately 1,038 acres of habitat that are likely included in the resident mountain lion's home range are included in the landfill footprint. An additional 644 acres will be retained in a zone surrounding the landfill area to buffer wildlife from landfill activities. Some actual loss of habitat would occur, along with a reduction in the value of remaining habitat in the buffer area. The size of home range for mountain lions is from 25 to 35 square miles for males and a somewhat smaller area for females (Nowak and Paradiso, 1984). The loss of approximately 1,000 acres (approximately 1.5 square miles) of available habitat is considered a less than significant impact to the individual mountain lion that occupies this area, given the large home range of this animal. While impacts to the mountain lion are not expected to be significant, the special emphasis on mountain lion protection established by Proposition 117, Section 6, is reason to recommend that the acquisition of mountain lion habitat be a priority use for the Project's Environmental Mitigation Trust Fund. This mitigation for the loss of mountain lion habitat has been added to the Final EIS/EIR.

Flat-Tailed Horned Lizard. Some commenters suggested that flat-tailed horned lizards may be present along the rail line. Flat-tailed horned lizards occupy windblown sand habitat, which does not occur in the rail line right of way. Also, this species was not observed during field surveys. Additionally, BLM biologists provided in a letter dated January 23, 1996 the opinion that the species does not occur in the Project area.

Fringe-Toed Lizard. Commenters suggested that fringe-toed lizards might exist in the Project area. Although the fringe-toed lizard occupies habitat in the region of the Project, its habitat requirements are very specific to sand dunes areas with regular recruitment of windblown sand. These habitat requirements are satisfied in a very limited area in the Coachella Valley and do not occur in the vicinity of the Project. No impacts to the fringe-toed lizard would reasonably be expected from the Project.

Long-Eared Owl. Commenters suggested that the long-eared owl might be present in the Project area. Appropriate nesting habitat for long-eared owls is not present within the proposed landfill site; marginal foraging habitat may be present near the access roads and in washes and near Lake Tamarisk, and in similar settings along the rail line. Thus, the species

is considered absent from the sight and has a low likelihood of occurrence near access roads and the rail line. No impacts to the long-eared owl would reasonably be expected from the Project.

Burrowing Owl. Commenters suggested that the burrowing owl might be present in the Project area. Section 3.7 of the Draft EIS/EIR indicates that there is a moderate chance of western burrowing owl occurring in the Project area; however, neither owls, nor signs of owl-occupied burrows were identified during detailed desert tortoise surveys (conducted for the previous EIS/EIR and this document) that focused on burrows. No direct evidence of this species was observed. No impacts to the burrowing owl would reasonably be expected from the Project.

Eagle Mountain Scrub Jay. Commenters have suggested that Eagle Mountain scrub jays could be affected by the Project and that any scrub jay identified in the vicinity of the Project should be considered an Eagle Mountain scrub jay. Page 3.7-25 of the Draft EIS/EIR states that the Eagle Mountain scrub jay is endemic to pinyon-juniper habitat and scrub oak habitat above approximately 1,200 m elevation (approximately 3,600 feet). The Project includes elevations from approximately 700 to 2,550 feet and does not include habitats in which this species occurs (see Section 3.7.2). In addition to lack of suitable habitat in proximity to the Project site, measures to control access by ravens and other scavengers to potential sources of food, and raven monitoring and control programs (detailed in Section 4.7) are considered sufficient to reduce to less than significant potential impacts to other wildlife populations from increased raven populations.

Biodiversity and Ecosystem Function

Several commenters expressed concern about the potential impacts to biodiversity and the ecosystem and the way in which these terms were defined for use in the EIS/EIR. The Draft EIS/EIR (Sections 3.7 and 4.7) defines biodiversity in accordance with the Council on Environmental Quality's (CEQ) guidelines for considering impacts to biodiversity in NEPA documents. As stated in the Draft EIS/EIR, Section 3.7.4, "biodiversity is the concept that all components of ecological systems, both living and nonliving, are interconnected in a hierarchical continuum, and that changes in the diversity at any level can have effects at other levels." Throughout the preparation of the EIS/EIR, resource agencies were consulted to provide input for and comment on the definitions, approaches, and standards of significance and evaluative criteria used in the EIS/EIR. The CEQ definition of biodiversity and the issue of ecosystem function were discussed with resource agencies, including the NPS, Biological Resources Division of the USGS, CDFG, and USFWS in July 1995. It is acknowledged that the NPS does not agree with the approach used in the Draft EIS/EIR for evaluating biodiversity in NEPA documents.

The Draft EIS/EIR presents a summary of the primary threats to biodiversity identified by the CEQ guidelines and the specific Project-related regional threats to biodiversity. The CEQ guidelines identify physical alteration of ecosystems, pollution, overharvesting of populations, introduction of exotic species, and disruption of natural processes as possible factors in impacting biodiversity. In the region of the proposed Project, specific existing

threats to biodiversity are related to: (1) the effects of the growing human population in Southern California, including regional air quality degradation resulting from pollutants generated in and transported from the Los Angeles Basin; (2) growth of desert cities and towns that could contribute to air pollution, habitat fragmentation, and the spread of exotic species; and (3) increased cover by exotic species that could provide a fuel source for fires. Evidence of ongoing changes in the function of the desert ecosystem in the region of the proposed Project is indicated by declines in populations and sustainability of a number of plant and animal species that are desert adapted. These species are discussed in Sections 3.7.1.1 and 3.7.2.1 of the Draft EIS/EIR.

Loss of biodiversity has already occurred throughout the regional and local ecosystem to some degree from a variety of sources. Within the local area of the proposed Project site, historic mining activities directly eliminated approximately 5,500 acres of habitat, changed local surface water drainage patters, and provided increased watering opportunities for local wildlife, changing the function of the area at and immediately surrounding the mine and nearby communities. Activities associated with mine operation introduced exotic plant and animal species to the local ecosystem, and fragmented habitat with roads and development along them and the rail line. The Colorado River Aqueduct east of the proposed Project site also fragmented habitat and disrupted movement patterns for a variety of terrestrial vertebrates and provided an additional water source to some species.

A commenter has stated that ecosystem impacts, such as eutrophication, are defined in the "broad sense, referring to the large-scale addition of nutrients (i.e., landfill trash) to the desert ecosystem" (Appendix 2 of Comment 1) and has requested that the EIS/EIR explain the impact of the proposed Project on the regional ecosystem, including impacts on "subtle and interconnected plants, animals, and processes, most of which presently are unknown." (NPS, *Joshua Tree National Park Issues Identification for the Eagle Mountain Landfill Environmental Impact Statement/Environmental Impact Report, 1995*). *The JTNP Issues Identification* paper also identified possible ecosystem impacts attributable to the Project (i.e., wet dry deposition of nitrate, global warming, and invasion of exotic species) and requested additional studies and experiments to assess ecosystem impacts. Upon review of the requested studies and experiments suggested by the NPS, the lead agencies determined that existing data were available and sufficient for assessing impacts to biodiversity and ecosystem function. The Draft EIS/EIR addresses all these possible impacts associated with the Project, including habitat loss, additional nutrients originating directly or indirectly from landfill material (defined as "eutrophication" by NPS), the introduction of exotic species, nitrate deposition, and global warming.

For example, the Draft EIS/EIR (Section 4.7.4) states that the proposed Project could affect biodiversity "primarily as a result of loss of habitat, habitat fragmentation, and changes in the relationship between species in the form of increases in predator/scavenger populations in response to increased food availability at the landfill site, and from increased roadkills." The EIS/EIR presents a full analysis and discussion of these impacts and appropriate mitigation, where applicable.

Control measures proposed to be implemented are described above in General Response 3, and include continuous covering of waste, limiting the work face to 2 acres or less, litter fencing, litter patrols, and providing additional cover for any area that has not been active for 180 days.

To control conditions at the Townsite that could also lead to an increase in predators, measures identified for predator control will also be employed at the Townsite. These measures will include educating Townsite residents of the factors that increase raven and other predator populations, and restrictions requiring disposal of trash and garbage only in tightly closing trash receptacles. Areas around businesses will be patrolled regularly to collect trash. Feeding domestic animals outside in areas accessible to ravens will be prohibited. Buildings and other structures that could provide nest sites for ravens will be monitored regularly. Other restrictions on Townsite activities are described in Section 4.7 of the Draft EIS/EIR.

The mitigation measures proposed for the Project address potential impacts to a broad range of plants and animals that occur in the Project area. Mitigation measures have been identified, in consultation with the appropriate regulatory agencies, for potential impacts to all special status species, and will be implemented as a condition of Project approval. At the request of the CDFG and other resource agencies, additional mitigation measures will be implemented for species that have no protected status and/or are not anticipated to experience significant impacts. For example, the California Barrel Cactus is not a protected species, but is considered an important food and water source for Nelson's Bighorn Sheep, especially in time of drought. Mitigation for this species includes transplanting and monitoring to ensure the success of transplanting. Similarly, mitigation measures will be implemented for the Common chuckwalla, which has no formal protected status. These will include surveying and removing individual animals from Project areas. The aggregate of the mitigation measures proposed for protected and other species will help assure that the biodiversity of the Eagle Mountain Project area is protected and maintained. The availability of the Environmental Mitigation Fund as a tool to acquire and protect prime habitats in the Southeastern California desert will further contribute to the protection of biodiversity and ecosystem function.

Environmental Mitigation Trust

A number of commenters requested additional detail about how the Draft Environmental Mitigation Trust (Appendix U of the Final EIS/EIR) would function and how it would contribute to the mitigation of Project impacts. The overall goals and functions of the Environmental Mitigation Trust, as currently proposed, are described on pages 4.7-14 of the Draft EIS/EIR. The Draft Trust includes elements of the negotiated Agreement with Kaiser/MRC and NPS and certain discussions with CDFG. Specifically, the Draft Trust specifies that 72 percent of the fees would be used to acquire lands that provide high-quality habitat for special-status species in the region. In addition, 18 percent of the funds would be used for long-term monitoring, research, and mitigation. The remaining 10 percent of the funds would be used to acquire private parcels in JTNP and for long-term research and mitigation associated with potential Project impacts to JTNP. Lands to be acquired would be

identified by an advisory committee appointed by the Trustees of the Trust (the County of Riverside Board of Supervisors).

The Draft Trust agreement specifies that the nine members of the advisory committee shall all be residents of Riverside County and comprise two members of the Board of Supervisors of the County of Riverside; two citizens appointed by the Board of Supervisors, one of whom must be a Native American; two citizens nominated by the Coachella Valley Mountains Conservancy; one citizen nominated by The Nature Conservancy; and one citizen nominated by The Desert Protective Council. Because land acquisition expenditures would be recommended by this advisory committee, specific acquisition locations cannot be identified at this time. The Draft Trust Agreement, however, specifies that lands acquisition expenditures would be restricted to or for the benefit of lands within 15 areas in desert environments of Southern California identified in the Trust Agreement (with provisions for expenditures in other project areas if acquisitions in the 15 identified areas have been reasonably met and with the consent of 4 of the 5 trustees). The 15 areas listed as priority areas for acquisition were identified in a January 1994 California Endangered Species Act Memorandum of Understanding between MRC and the CDFG.

General Response 7

Several commenters questioned the Draft EIS/EIR's conclusions about air quality impacts. The following sections address specific topics of concern related to air quality.

Emissions Estimates

Commenters questioned the accuracy of the assumptions and techniques used to develop estimates of emissions associated with the proposed Project. These estimates were based on widely accepted emission estimating techniques and U.S. Environmental Protection Agency (EPA)-, South Coast Air Quality Management District (SCAQMD)-, and NPS-approved models. Conservative assumptions were employed throughout the analyses to ensure that emissions would be overstated rather than understated.

Gas generation rates are based on site-specific factors, which take into account the fact that the waste is projected to have a low moisture content due to very low annual precipitation (fewer than 4 inches per year) and aggressive recycling efforts (i.e., AB 939), which will remove much of the high moisture materials such as greenwaste prior to disposal. Higher gas generation estimates based on the EPA's default values and/or analyses of landfills in other parts of the country reflect much higher annual precipitation levels and different waste stream characteristics and are not applicable to conditions at the proposed Project site.

Estimates of emissions from the flares are based upon the level of control required by SCAQMD's Rule 1150.1 and best available control technology (BACT) guidelines, as well as add-on controls such as oxidation catalysts and urea injection.

Significant emissions of toxic air contaminants are not expected based upon experience at landfills in the South Coast Air Basin (SCAB) and throughout California. Although trace

levels of toxic air contaminants are present in landfill gas, the high destruction efficiency required of landfill gas flares by the SCAQMD will destroy at least 98 percent of the toxics. A screening-level risk assessment of flare emissions, using computer models approved by EPA and the SCAQMD, shows risks well below the commonly recognized risk threshold of 10 in 1,000,000 for projects with air pollution controls.

Construction and operation of the proposed Project will produce dust and PM_{10} emissions. The Draft EIS/EIR estimated these emissions based on the projected levels of activity at the site (i.e., the number of vehicles in use, hours of operation per day per vehicle, and road and/or surface conditions where such vehicles will operate). The EPA has developed a variety of emission factors to estimate emissions based upon the type and level of activity predicted. These EPA factors were used in estimating the emissions from the proposed Project. With regard to the effectiveness of the proposed mitigation measures, the Draft EIS/EIR used levels of control demonstrated in studies of dust control/suppression efforts that most closely mirror proposed site operations (e.g., dust control efforts at mining operations). The independent studies that were used (some of which were conducted by the U.S. Bureau of Mines and the EPA) provide a reasonable basis for estimating the effectiveness of dust mitigation measures for specific dust-producing activities. Estimates of the effectiveness of dust control measures in the SCAQMD CEQA Handbook are based upon a composite of many different types of projects and operations and are not as accurate as studies based on site-specific operations.

Significance of Impacts

Commenters questioned the significance of air quality impacts. There are many potential measures of significance found in air pollution statutes and regulations that could be used in assessing the impacts of a project. The SCAQMD CEQA Handbook, for example, considers a project's impacts significant if emissions are in excess of thresholds based on the federal definition of a major source. Emissions for the proposed Project are in excess of those levels. However, the SCAQMD significance levels do not address all air quality impacts and some commenters may feel different significance levels may be more appropriate. Rather than selecting a single measure of significance, the Draft EIS/EIR compares various project impacts to a number of measures, some of which are lower than the levels of significance in the CEQA Handbook, and concluded that the proposed Project impacts to air quality are significant and cannot be mitigated to a level of insignificance.

Visibility Impacts at Joshua Tree National Park

Commenters questioned the impacts of Project air emissions on visibility at JTNP. Based on input from the NPS and BLM, an analysis was conducted on the effect of emissions from the proposed Project on visibility at JTNP at selected viewing locations. The NPS selected the viewing locations and provided input on the data and assumptions used in the analysis. A complete analysis was conducted in the Draft EIS/EIR for a variety of viewing conditions. The results of this analysis show that the proposed Project would not create a noticeable change in or impact visibility or haze to the casual observer at locations of maximum impact along the JTNP boundary near the Project site. The visibility analysis takes into account

viewer locations, duration of view, and the existing background visual range. Although the NPS disagreed during preparation of the Draft EIS/EIR as to the level of significance, NPS and Kaiser/MRC have reached agreement on long-term air and visibility impact monitoring as detailed in the NPS Agreement (Appendix T).

Dust Control

Commenters stated that dust mitigation measures are too vague because they do not specify how frequently water and/or dust suppressants will be applied or what type of dust suppressants will be used. While installing air pollution controls on a piece of equipment, where specific operating conditions and parameters can be mandated to achieve a desired emission reduction, dust control measures, including the amount of water and/or chemical dust suppressants and the frequency of application, are highly dependent on conditions at a site and can vary depending upon weather conditions. The proposed Project has specified detailed dust mitigation measures to reduce emissions and impacts on surrounding areas. During initial site development and operation, it will be necessary to conduct trials to compare the effectiveness of various measures under actual operating conditions and to determine how frequently dust mitigation measures must be employed. Accordingly, specifying the frequency of watering and application of chemical dust suppressants is not appropriate at this time. These dust emissions will be subject to SCAQMD Rule 403 performance requirements and will be monitored by visibility monitoring as agreed upon between NPS and Kaiser/MRC (see Appendix T).

Emissions Offsets

Commenters stated that emissions from the proposed Project should be fully offset to meet the requirements of the SCAQMD and CEQA. Regulation XIII of the SCAQMD requires emission offsets only for emissions from equipment required to obtain a written permit. For sources such as landfills, which provide an essential public service, the SCAQMD provides emission offsets from its Priority Reserve. The Priority Reserve is funded by reductions in emissions made at sources throughout the SCAB. Because the emissions from the landfill gas flares for the proposed Project will be offset by the Priority Reserve, they will, therefore, be fully offset. With regard to the emissions from equipment that does not require a written permit (e.g., motor vehicle emissions not associated with permitted equipment), nothing in Regulation XIII requires that such emissions be offset. Emissions from mobile equipment are regulated by the California Air Resources Board and EPA, through the adoption of standards limiting exhaust emissions and regulations that govern fuel content. The proposed Project has mitigated emissions from mobile sources by agreeing to purchase low emission diesel engines and to use clean-burning diesel fuel. CEQA requires that emissions be mitigated but does not require that emissions be fully offset.

RESPONSES TO COMMENTS
AGENCIES

COMMENT LETTER 1

United States Department of the Interior

NATIONAL PARK SERVICE
Pacific West Field Area
600 Harrison Street, Suite 600
San Francisco, California 94107-1372

IN REPLY REFER TO

L7619(PGSO-PP)

OCT 1 1996

Ms. Julia Dougan
Area Manager
Bureau of Land Management
Palm Springs - South Coast Resource Area
63-500 Garnet Avenue
Post Office Box 2000
North Palm Springs, California 92258-2000

Dear Ms. Dougan:

Enclosed are the comments of the National Park Service on the Draft Environmental Impact Statement and Environmental Impact Report for the proposed Eagle Mountain Landfill and Recycling Center Project. As a cooperating agency the National Park Service previously informed your office our comments would be delayed.

We are pleased to have the opportunity to review this document and participate in the process as a cooperating agency. Our comments were generated by specialists at Joshua Tree National Park, System Support Office, Field Director's Office, National Resource Program offices, and Washington levels. As a cooperating agency, the National Park Service looks forward to participating in the formulation of the Final Environmental Impact Statement and Environmental Impact Report for the proposed Eagle Mountain Landfill Project.

If you have any further questions concerning these comments, or need additional information, please do not hesitate to contact Mr. Ernest Quintana, Superintendent, Joshua Tree National Park at (619) 367-6376.

Sincerely,

Stanley T. Albright

Stanley T. Albright
Field Director, Pacific West Area

Enclosures

GENERAL COMMENTS:

The National Park Service (NPS) continues to have serious concerns about the long-term impacts on the biological diversity, ecosystem functions, wilderness, and air quality of the region if the proposed Eagle Mountain Landfill and Recycling Center is approved.

1-A In view of specific concerns identified below, the NPS requests the Final Environmental Impact Statement/Environmental Impact Report (FEIS/EIR) include a detailed comparison of competing regional projects and their relative long-term impacts, in addition to the various formulations of the proposed project analyzed in the Draft Environmental Impact Statement/Environmental Impact Report (DEIS/EIR).

Response to Comment 1-A

Each of the other major proposed regional landfills that could serve the Southern California region (Mesquite, Rail Cycle/Bolo Station, and La Paz) has been examined in detail in separate environmental review processes under NEPA and CEQA. Moreover, to ensure that the relative impacts of the Proposed Action and these other proposed landfill projects are fully understood, the EIS/EIR includes a table summarizing the impacts of each proposal in comparative form. (Table 2-5). The EIS/EIR also examines the cumulative impacts associated with all of the proposed regional landfill projects. (Section 5.4.2).

Although the EIS/EIR reviews the impacts of the other proposed regional landfill projects in Table 2-5 and in the cumulative impacts section, the EIS/EIR does not analyze those projects as alternatives to the Eagle Mountain Project. First, BLM's focus in the NEPA process is on the rights-of-way and the land exchanges; BLM does not select among competing business proposals. The fact that several projects may be business competitors does not make them true "alternatives" to one another for purposes of NEPA and CEQA. Instead, each project must be evaluated on its own merit. Secondly, as discussed in Section 1.3.1.3, there will be a need for two or three remote rail-haul projects (and possibly other capacity enhancements) to serve the long-term waste disposal needs of the Southern California region. Thus, while each proposed project, if approved, would partially address the region's overall waste disposal needs, the projects are not substitutes for one another. Finally, as described in BLM's Handbook on the National Environmental Policy Act, each alternative examined in the EIS/EIR, except for the no action alternative, should represent an alternative means of satisfying the identified purpose and need for the Proposed Action. For externally initiated proposals, the purpose and need generally reflect what the applicant intends to accomplish by the proposed action. In this case, the purpose and need of the project applicant, Mine Reclamation Corporation, primarily is to develop a new Class III nonhazardous municipal solid waste landfill to meet the projected long-term demand for environmentally sound landfill capacity in Southern California and, secondarily, to reclaim Kaiser's Eagle Mountain Mine. The purpose and need statement for this project also reflects a range of other objectives, including BLM and Riverside County objectives (Section 1.3). The other proposed

1-B The cumulative effects of regional waste management also need to be evaluated on a region-wide basis. Only with such a comparison and analysis can the impacts of siting the proposed landfill adjacent to a National Park and a designated wilderness area be fully evaluated. Currently, there are three proposed large scale waste disposal landfill projects (Mesquite/Rail Cycle/Eagle Mountain) being considered within the California Desert region. Each proposed project requires a public land transfer and each competes with the others for the same waste stream. A process for determining the least impacting and most environmentally preferable location for siting of landfills needs to be developed and carried out by an independent State-approved entity. As is, the current county by county competitive process is resulting in multiple, high impact, large scale waste disposal projects being proposed within the same geographic region.

1-C The request for such comparative analysis is in accord with NEPA Section 1502.14(a), which requires Project analysis to "Rigorously explore and objectively evaluate all reasonable alternatives," and Section 1502.14(c), which specifies Project analysis to "Include reasonable alternatives not within the jurisdiction of the lead agency." All reasonable alternative landfill sites must be evaluated as options to the proposed project, even if the County of Riverside and the Bureau of Land Management (BLM) do not feel they have jurisdiction to approve other proposed landfill sites in the Southern California region. Prior to the release of the FEIS/EIR, we request to be informed as to the inclusion of such alternatives and supporting environmental analysis.

regional landfill projects were eliminated from detailed consideration because, while they may partially meet the region's long-term waste disposal needs, they would not adequately address those needs and would entirely fail to address other important aspects of the Project's purpose and need. (Section 2.8.3.)

In reference to landfill capacity, see General Responses 1 and 2. Concerning biological and air quality issues, please see General Responses 3, 6, and 7.

Response to Comment 1-B

Please see Response to Comment 1-A above. The NPS's request for a centralized waste-disposal planning process, under the direction of an independent state-approved entity, appears to be a recommendation for a change in the federal and state laws governing the permitting and approval of landfills. In response to this comment, the lead agencies note that they must comply with the laws as they currently exist, and existing laws do not authorize the County or BLM to cede decisionmaking responsibility to the type of body recommended by the NPS in this comment.

Response to Comment 1-C

BLM has considered a wide range of alternatives in preparing the EIS/EIR for this Project. Some alternatives were eliminated from detailed consideration, while others were carried forward for detailed analysis in the EIS/EIR. Generally, alternatives were eliminated from detailed analysis if it was determined that they would not meet the primary purpose and need for the Project. Please refer to Section 2.8 of the EIS/EIR for a detailed discussion of the reasons for eliminating particular alternatives. As discussed in that section of the EIS/EIR, these "alternative" landfills complement the proposed action but are not feasible "alternatives" for NEPA/CEQA purposes. Please also see General Responses 1 and 2.

1-D We also request that the FEIS/EIR note our preference for the "No Action Alternative" from among the possible alternatives contained within the document. This determination is based on the associated impacts brought on by the proposal which cannot be sufficiently mitigated.

1-E In addition, we believe that biological/ecological concerns are not adequately addressed in the DEIS/EIR. As an example, the DEIS/EIR does not accurately portray the Joshua Tree National Park (JTNP) application of the term "eutrophication." The attached paper entitled "Joshua Tree National Park Concerns About Trash-Related Eutrophication at the Proposed Eagle Mountain Landfill" (Attachment 1) is provided to clarify our position on this issue. As discussed below, the DEIS/EIR also contains inaccurate references to NPS management of wilderness, recreational use and facilities improvements identified in the Joshua Tree National Park General Management Plan (GMP).

1-F While the DEIS/EIR has incorporated some of the information and recommendations provided by the NPS in commenting on the Administrative Review Draft-Environmental Impact Statement/Environmental Impact Report (ARD-EIS/EIR 1996), we do not concur with some of the conclusions and determinations made in the current DEIS/EIR. While differences of opinion and conclusions may occur, in instances of professional disagreement, the DEIS/EIR needs to note where the NPS position was considered, and elucidate why it was rejected.

1-G For example, previous comments have noted our disagreement with the thresholds of significance for biological resources. In our comments on the ARD-EIS/EIR, NPS disagreed with the definitions of the terms "interfere substantially," "substantially diminish habitat," and "substantially degrade." The ARD-EIS/EIR defined these terms as: "changes in conditions sufficient to jeopardize the long-term persistence of the resource in question." In responding to this comment, it was stated that the text would be modified to state that these terms meant: "changes that result in conditions sufficient to jeopardize the persistence of local biological populations." (See, BLM Response E-15 ARD-EIS/EIR.) The DEIS/EIR does not contain the revised text. Nevertheless, the NPS believes that the revised threshold is still too lenient (for both listed and non-listed species) in that it allows extirpation of local populations before an impact is considered significant. In the context of threatened or endangered species, any impact that results in a "take" under the Endangered Species Act (other than "take" authorized under the Biological Opinion) should be considered a significant impact. The threshold for non-listed species should also be revised.

Response to Comment 1-D

Comment acknowledged. The Final EIS/EIR has been revised to incorporate this request. The NPS and Kaiser/MRC have entered into an agreement (Appendix T), wherein NPS states that the Final EIS/EIR, taking the responses to NPS comments into account, is a complete analysis of the potential impacts of the Project in accordance with NEPA and CEQA. This does not change the analysis or conclusions of the EIS/EIR.

Response to Comment 1-E

With regard to biological/ecological issues, the commenter is referred to General Response 6 and the response to NPS Comments 1-3 and 1-123 below. Regarding references to NPS management practices and mandates, the commenter is referred to response to NPS Comments 1-56 through 1-60 below.

Response to Comment 1-F

As noted by the NPS, the Draft EIS/EIR does incorporate many of the changes requested by the NPS in its review of the Administrative Review Draft. In a few cases, the lead agencies disagree with factual points or conclusions recommended by the NPS. These disagreements are identified in the responses to the specific NPS comments addressed below, and as appropriate (e.g., the NPS preference for the No Action Alternative) in the Final EIS/EIR text itself.

Response to Comment 1-G

Please see General Response 3.

SPECIFIC COMMENTS:

1. Second Page After Cover, Abstract, First Sentence, Second Line. The document should state that undisturbed side canyons will be used as a landfill site in addition to the open pit mine. Specifically, add "in the undisturbed side canyons and" to the text, so the text reads: ".....solid waste landfill in the undisturbed side canyons and unused open pit mine.....owned by Kaiser."

2. Page ES-2, Eagle Mountain Landfill, Eleventh Line. This sentence should be changed to read: "The site of the proposed landfill is within the Eagle Mountains and is bordered on the North, West, and South by Joshua Tree National Park and on the East by the Chuckwalla Valley."

3. Page ES-10, Areas of No Significant Impact. As discussed in detail below, the NPS disagrees with some of the "No Significant Impact" conclusions contained in the Executive Summary and in the body of the document. Specifically, following resource areas are concluded by the DEIS/EIR not to be faced with a significant impact: Compatibility with surrounding land uses; Biodiversity and Ecosystem function; and Recreational Resources. While these categories may not meet the standards of significance for CEQA purposes, the document should note that those conclusions are not directly applicable to analysis under the National Environmental Policy Act (NEPA) and that some disagreement exists among cooperating agencies on the level of impact under NEPA.

4. Page ES-11, Public Health and Safety, Fourth Potential Impact. The NPS disagrees with the Executive Summary conclusion that this potential impact can be mitigated. As discussed below, mitigation measures identified may not stop the potential migration of nutrients and contaminants from the landfill into the surrounding National Park. Also, such measures will not totally eliminate predators attracted to the project site as a food source.

Response to Comment 1-1

The Final EIS/EIR has been changed on the second page in the abstract, first sentence, second line: "...solid waste landfill in the site canyons and unused open pit mine. .."

Response to Comment 1-2

The requested text change will be made to reflect the location with respect to the park boundaries. Page ES-2, line 11, has been revised to include the following sentence: "Portions of the proposed landfill site are within the Eagle Mountains; and the site is bordered on the north, west, and south by Joshua Tree National Park and on the east by the Chuckwalla Valley." This minor change does not change any analyses or conclusions of the Draft EIS/EIR.

Response to Comment 1-3

As a joint document prepared under both NEPA and CEQA, the EIS/EIR must satisfy the requirements of both statutes. The findings of "significance" for each category of impacts in Section 4 of the EIS/EIR specifically address the requirements of CEQA, which mandates the mitigation of significant impacts where feasible. Although NEPA does not include CEQA's requirement to mitigate for all significant impacts, NEPA regulations do require a discussion of the significance of direct and indirect impacts. Therefore, the conclusions about the significance of impacts are applicable to analysis under both NEPA and CEQA. To address the NPS's concerns, the Final EIS/EIR acknowledges areas of previous disagreement between the lead agencies and the NPS with respect to the evaluation of the Project's impacts. Please see also General Response 3. The NPS and Kaiser/MRC have entered into an agreement discussed in General Response 3, wherein NPS states that the Final EIS/EIR, taking the responses to NPS comments into account, is a complete analysis of the potential impacts of the Project in accordance with NEPA and CEQA.

Response to Comment 1-4

The fourth impact in the section of the Executive Summary of the Draft EIS/EIR referenced by the comment actually addresses the potential for increased disease transport as a consequence of use of the landfill by

5. Page ES-12, Land Use, Second Potential Impact. This potential impact addresses the proposal's land use as being inconsistent with approved and existing land use plans including those of Joshua Tree National Park. However, neither the Executive Summary nor the impact analysis includes provisions for concurrence from JTNP in mitigation measures for land impacts to National Park System resources.

animals. With respect to concerns expressed in the comment regarding predators attracted to the site as a food source, mitigation measures have been included to prevent access by species that could scavenge food from the landfill. These include fencing the active portion of the landfill to contain windblown material and exclude scavengers such as coyote and kit fox, raven population control as necessary, covering waste daily with at least 6 inches of dirt, continuous covering of waste, limiting the working face to 2 acres, and providing additional cover for areas that are inactive for 180 days. These mitigations are described in greater detail in Section 4.7 of the Draft EIS/EIR and are considered sufficient to prevent increased nutrients from entering the desert ecosystem. Please see General Response 6.

Response to Comment 1-5

The Executive Summary notes that there are inconsistencies with existing County General Plan and Zoning designations. The reference to JTNP does not involve land use plans, but is in regard to potential impacts to JTNP due to Project-related activities. Potential impacts that have been identified include dust, noise, light, air, and impacts on biological resources, which are discussed throughout Section 4 of the EIS/EIR. The section of the EIS/EIR cited by the comment does not state that land use impacts would be significant. As discussed in Section 4.5.3 of the EIS/EIR, any potential land use conflicts between the Eagle Mountain Project and JTNP are not considered significant, and the Project will incorporate design features that are intended to minimize any land use conflicts that could occur. The lead agencies support efforts by the Project applicant and the NPS to reach an agreement (complementing the NEPA/CEQA process) on a mechanism or process that would provide the NPS with an ongoing role in evaluating, refining, and ensuring compliance with mitigation measures associated with this Project. In these circumstances, however, the lead agencies have concluded that it is not necessary or appropriate to establish a formal role for the NPS in approving or disapproving mitigation measures for the Project.

As described in more detail in General Response 3 on impacts to JTNP, the NPS and Kaiser/MRC executed an agreement that details contractual obligations, including funding mechanisms, that would be undertaken if the landfill is authorized to proceed. The NPS agreement is included as Appendix T of the Final EIS/EIR.

6. Page ES-12, Biological Resources, Desert Tortoise, First Potential Impact. As discussed below, we disagree with the statement in the Executive Summary and in the impact analysis that this potential impact can be mitigated. There is potential for the landfill to attract increased numbers of ravens and other scavengers. As a result, impacts to desert tortoise populations in the Park may occur due to scavengers enroute to or from the proposed landfill and biological diversity may be disrupted.

7. Page ES-13, Bighorn Sheep. We disagree with the determination that this potential impact can be mitigated totally by the means proposed. Mitigation specifies translocation of Sheep and purchase of additional lands for loss of habitat. Loss of Bighorn Sheep from the Eagle Mountains may have adverse impacts on sheep populations in the Park and would be directly in conflict with NPS management goals and responsibilities for resource management.

Response to Comment 1-6

As detailed in Section 4.7, the Draft EIS/EIR includes an evaluation of 234 Biological Opinions to determine the efficacy of proposed mitigation measures to protect desert tortoise. The study was performed in part to determine what the responsible resource agencies require for potential impacts associated with ravens. These include the measures that the USFWS, CDFG, and the National Biological Service (NBS) (i.e., Dr. Boarman) recommended to minimize potential raven impacts. In part, the Draft EIS/EIR concludes that these measures will mitigate impacts to tortoises to below a level of significance based on the fact that the measures to be implemented are the proven and reliable measures the resource agencies require for raven control. Also, raven monitoring and contingency plans are part of the NPS Agreement so that raven control will not rely solely on stated mitigation measures but also on measures developed by a response team if those measures are not working. The NPS and Kaiser/MRC have entered into an agreement (Appendix T), wherein NPS states that the Final EIS/EIR, taking the responses to NPS comments into account, is a complete analysis of the potential impacts of the Project in accordance with NEPA and CEQA. Please see also General Response 6 and Comment 26-19.

Response to Comment 1-7

Measures proposed to mitigate potential impacts to Nelson's bighorn sheep are considered to reduce impacts to a less than significant level (Draft EIS/EIR, p. 4.7-29 through 4.7-31). Additionally, a study completed since publication of the Draft EIS/EIR on Nelson's bighorn sheep has become available from Dr. Charles Douglas, Ph.D., who has been studying the Eagle Mountain Bighorn sheep population for several years under funding by NPS and MRC. This information indicates that Bighorn sheep use the entire Eagle Mountains, and would use newly located water sources without being translocated as is discussed in Appendix G of the Draft EIS/EIR (C. Douglas September 13, 1996, letter to U.S. Department of Interior [DOI]). Please see also General Response 6. With respect to concerns relating to relocating sheep, please refer to Dr. Douglas' report in Appendix N. The NPS and Kaiser/MRC have entered into an agreement (Appendix T), wherein NPS states that the Final EIS/EIR, taking the responses to NPS comments into account, is

8. Page ES-17, Impacts That Cannot Be Mitigated, Third Paragraph. This paragraph summarizes information contained in Section 4.7.3.4, Significance After Mitigation, of the main document. It should also note that Phase 5 of the planned landfill will eliminate a known active bat roosting cave. We request a commitment be made in the FEIS/EIR and Record of Decision (ROD) for mitigation by identification of comparable habitat.

9. Page 1-4, Figure 1-2, Eagle Mountain Site Location Map. Comments on the ARD-EIS/EIR noted that these maps need to be changed to reflect a more accurate picture of the surrounding land designation. Our earlier recommendations have not been incorporated. The map key should be reversed to highlight the wilderness areas of the park, not the non-wilderness areas. "Joshua Tree National Park" should be identified as adjacent to the Eagle Mountains where maps show both the landfill and park locations.

10. Page 1-5, Section 1.1.2, Eagle Mountain Landfill, First Paragraph, Line Five. This sentence should be changed to read: "The landfill site is located within the Eagle Mountains and is bordered on the North, West, and South by Joshua Tree National Park and on the East by the Chuckwalla Valley." (See comment #2) This description more accurately reflects the relationship of the proposed project to the boundaries of Joshua Tree National Park.

a complete analysis of the potential impacts of the Project in accordance with NEPA and CEQA.

Response to Comment 1-8

The adit in question would be affected during Phase 2 of landfill development. Subsequent to the release of the Draft EIS/EIR, CDFG and wildlife biologist, Pat Brown, Ph.D., who has monitored the bat population at the Project site, suggested that mitigation that includes immediate reopening of the Black Eagle Mine adit, including a gate that meets CDFG standards, replace mitigation in the form of extending the Kaiser adit. This mitigation is considered by the CDFG and Dr. Brown to provide an opportunity for the bats currently using the Kaiser adit to colonize the Black Eagle Mine adit, which the CDFG believes is the source of the Kaiser adit population. This change is reflected in the Final EIS/EIR. Please see General Response 6.

Response to Comment 1-9

In preparing the Draft EIS/EIR, all previous comments submitted by the NPS on the Administrative Draft EIS/EIR were reviewed and considered. With regard to the question of currency and accuracy of maps contained in the Draft EIS/EIR, it is noted that in several meetings with NPS and JTNP staff during the preparation of the EIS/EIR (February 22, 1995; July 21, 1995; January 22, 1996), JTNP staff stated that the DOI maps, which form the basis for those used in the Draft EIS/EIR, were the most recent, accurate maps depicting the JTNP boundaries. It is also noted further that, to date, neither NPS nor JTNP staff has provided revised or more current maps for inclusion in the Draft EIS/EIR. Representatives from the NPS stated in February, 1995, that they are in the initial stages of working with the BLM and the Metropolitan Water District of Southern California (MWD) to develop a legal definition of the new boundaries of JTNP and that NPS staff are working with BLM's surveyors to identify and eliminate all boundary errors. NPS stated that after these quality control measures are completed, the boundaries will be submitted to the Department of the Interior in Washington, D.C., for approval.

Response to Comment 1-10

Comment acknowledged.

11. Page 1-42, Summary of Cumulative Impacts. Impacts to biological diversity that cannot be mitigated should be described within the context of cumulative impacts. We believe that the area's biological diversity may be impacted by eutrophication arising from landfill operations and the proposed pumped storage project. It is unlikely that such effects can be fully mitigated.

On page 1-42, the DEIS/EIR states that "The cumulative impacts considered significant after mitigation area air quality (because the Project is located in a non-attainment air basin) and groundwater overdraft." Table 1-6 on page 1-63 goes on to indicate that the only alternative which will not cause significant cumulative impact to air quality and groundwater use is the No Action Alternative. As such, we recommend that the FEIS/EIR analyze a wider range of alternatives, including a comparison of regional waste management projects and their long-tern impacts (see General Comments).

12. Page 1-44, Groundwater Use, Table 1-6. With respect to groundwater use, the FEIS/EIR should clarify whether the Kaiser-owned well(s) located at Pinto Wells will be used in association with the proposed landfill.

Response to Comment 1-11

The potential impacts on biological resources were addressed in the Draft EIS/EIR, in Section 4.7 (direct and indirect impacts) and in Section 5.5.2.7 (cumulative impacts). These analyses considered the full range of biological resource impacts, including impacts on biodiversity and ecosystem function, and identified specific mitigation measures that would be adopted to reduce impacts on biological resources. The EIS/EIR acknowledges that impacts on biological resources could occur as a result of the Project, even with the implementation of the adopted mitigation measures, but concludes that any such impacts would not be significant. This finding does not mean that the required mitigation measures will entirely eliminate all impacts to biological diversity; instead, it reflects a judgment that those mitigation measures will reduce the impacts to below a level of significance. The Draft EIS/EIR's discussion of impacts on biological resources adequately addresses issues raised in this comment, and, therefore, the Final EIS/EIR does not contain additional analysis. In addition, please see General Response 6 and Appendix T, the Kaiser/MRC agreement with NPS. Pages 5-47 through 5-49 of the Draft EIS/EIR address the cumulative impacts of the ECEC (pumped storage) project.

With respect to the NPS's request for consideration of a broader range of alternatives, please refer to General Response 2 and Response to Comment 1-A. The NPS and Kaiser/MRC have entered into an agreement (Appendix T), wherein NPS states that the Final EIS/EIR, taking the responses to NPS comments into account, is a complete analysis of the potential impacts of the Project in accordance with NEPA and CEQA.

Response to Comment 1-12

Kaiser does not own the wells located at Pinto Wells. Two of the three wells at Pinto Wells (No. 1 and No. 3) are owned by the MWD and were operated by Kaiser between 1948 and 1984 under an agreement with the MWD. The third well (No. 2) is located on NPS property and has never been operated.

There are no plans to use the wells at Pinto Wells for the proposed Project. This has been agreed to by the applicant. See NPS Agreement (December 9, 1996, see Appendix T). The wells that are planned to be used to supply water to the proposed Project were identified in the Draft EIS/EIR, and are located in the Chuckwalla Valley. Specifically, it is stated on

13. Page 1-45, Public Health and Safety, Table 1-6, Vectors and Disease Impact Section. Based on the analysis contained in the DEIS/EIR, we disagree with the conclusion that impacts are "Not Significant." The analysis appears to assume that not exceeding the CEQA standards eliminates the need for appropriate mitigation. Further, the analysis appears to assume that meeting state or local regulatory standards regarding vector control results in no impact. We believe that the analysis should indicate that in spite of the best efforts to meet regulatory standards, a potential exists for impact levels above those of existing conditions. In addition, there is a potential for eutrophication that may occur as a result of the landfill project and has the potential to cause irreversible impacts. See Attachment 1.

page 4.1-25 of the Draft EIS/EIR: "Two of the four existing water wells (CW-3A and CW-4) owned by Kaiser would be used to meet the non-drinking water requirements of the proposed Project." Potable supplies will be provided through tanker truck and bottled water (see Draft EIS/EIR page 4.12-4). In addition, on page 4.1-26 of the Draft EIS/EIR it is stated: "...pumping the two wells that will be used to supply the proposed Project (CW-3A and CW-4)."

Response to Comment 1-13

The comment is correct that, within the context of the Draft EIS/EIR, it is assumed that no mitigation measures are required for potential impacts that, following analysis, are deemed to be less than significant. The comment is incorrect in stating that the Draft EIS/EIR does not acknowledge a potential for Project-related public health and safety impacts arising from vectors. The comment is also incorrect in stating that the Draft EIS/EIR "eliminates the need for appropriate mitigation" related to this potential source of impacts.

As noted in the table and detailed in Section 4.2.5, Public Health and Safety-Vector Control, because the proposed Project involves the handling and disposal of solid waste, there is a potential for public health and safety impacts related to the presence of vectors, such as rodents, birds, and insects. To counteract this potential for adverse impacts to public health and safety, the Draft EIS/EIR details several mitigation measures to control vector populations. These mitigation measures include, but are not limited to:

- Application of daily cover material and compaction
- Proper grading to eliminate ponding as habitat for mosquitoes
- Interim closure of landfill subphases
- Perimeter fencing and patrolling to control litter
- Containment of incoming refuse in closed containers until transport to working face of landfill

As a result of implementing these and other mitigation measures detailed within the Draft EIS/EIR, the EIS/EIR determined that the potential for public health and safety impacts arising from vectors would fall below the level of significance and, thus, would require no additional mitigation measures.

14. Page 1-49, Section Compatibility with Surrounding Land Uses, Table 1-6. The NPS disagrees with the conclusion that impacts are "Not Significant." As discussed below, the proposal has the potential to create impacts to park resources and thus conflict with surrounding NPS land uses. Such impacts may be significant and should be analyzed beyond the standards established in Section 4.5 of the text.

15. Page 1-51 and 1-52, Bighorn Sheep, Table 1-6. We do not concur with the conclusion that impacts are "Not Significant." The mitigation measures provide for "translocation" of Bighorn Sheep and "purchase of other habitat." If the native population in Joshua Tree National Park is being disrupted and displaced as a result of the project, relocation would not be effective as a mitigation measure in lessening the potential impacts to park resources.

The comment pertaining to eutrophication is acknowledged. Refer to General Responses 3 and 6. The NPS and Kaiser/MRC have entered into an agreement (Appendix T), wherein NPS states that the Final EIS/EIR, taking the responses to NPS comments into account, is a complete analysis of the potential impacts of the Project in accordance with NEPA and CEQA.

Response to Comment 1-14

The finding of no significant impacts on surrounding land uses, including JTNP, is based on the impact analyses contained throughout the document and on Project design features. Section 4.5.3 of the Draft EIS/EIR, in particular, focuses on potential impacts associated with land uses in the immediate vicinity of the Project, including potential visual impacts (discussed in more detail in Section 4.10.2), night lighting, air quality (see also Section 4.4 and Appendix E), noise and biological resource impacts to JTNP (see also Section 4.7). Section 4.11 (Wilderness) discusses in detail potential impacts to wilderness resources, particularly JTNP, and concludes that there could be a significant impact remaining after mitigation to the wilderness experience of some individuals. However, a significant impact on the wilderness experience does not, by itself, result in a significant conflict with JTNP land use. The standards of significance are based in part on the NPS's own management guidance (see Section 3.11 of the Draft EIS/EIR). The NPS and Kaiser/MRC have entered into an agreement (Appendix T), wherein NPS states that the Final EIS/EIR, taking the responses to NPS comments into account, is a complete analysis of the potential impacts of the Project in accordance with NEPA and CEQA. Please see also General Response 3.

Response to Comment 1-15

NPS's disagreement with the conclusions contained in Draft EIS/EIR Table 1-6 regarding levels of significance associated with potential impacts to bighorn sheep is acknowledged. The NPS and Kaiser/MRC have entered into an agreement (Appendix T), wherein NPS states that the Final EIS/EIR, taking the responses to NPS comments into account, is a complete analysis of the potential impacts of the Project in accordance with NEPA and CEQA. Please see also General Responses 3 (for the significance threshold issue) and 6, and Response 1-7.

16. Page 1-58, Wilderness, Table 1-6. The NPS does not agree with the conclusions concerning the levels of significance associated with impacts to wilderness.

17. Page 1-63, Cumulative Impacts ACEC Project, Table 1-6. This Table should note that the proposal may result in the escape of nutrients from trash through biological (biotic) pathways to the desert ecosystem. The text of the document at 4.7-37 Paragraph 3 should also be revised. See Attachment 1.

18. Page 1-63, Cumulative Impacts Joshua Tree National Park, Table 1-6. Based on comments concerning the impact analysis contained in the body of the document, this chart, as well as the cumulative impacts section, should be revised. It should be noted that the potential for cumulative impacts exists from this project in concert with others including impacts to the resources contained within Joshua Tree National Park.

19. Page 2-2, Description of the Proposed Action and Alternatives, Fourth Paragraph, Last Sentence. This section states that the preferred alternative will not be selected until public comments on the DEIS/EIR are evaluated. Subsequently, the preferred alternative will be identified in the FEIS/EIR. We suggest as an aid to the decision-maker and the reviewing public, the "environmentally preferable" alternative be identified in the FEIS/EIR as well as in the Record of Decision.

20. Page 2-8, Land Exchange. The DEIS/EIR states that one of the Project's objectives is to provide for consolidation of BLM land holdings. However, the maps of the offered lands (Figures 2-2 and 2-3) show the offered lands as isolated fragments along the Eagle Mountain railroad. The proximity of these lands to other BLM holdings is not evaluated. For the public and the decision-maker to

assess whether or not the Project will assist BLM in meeting its stated objective, the FEIS/EIR should fully describe this consolidation.

The DEIS/EIR states that the offered lands will be "part of a 20,000-acre nature preserve that includes the Salt Creek Area of Critical Environmental Concern." According to Figures 2-2 and 2-3, the offered lands border the Eagle Mountain railroad. The Salt Creek ACEC, however, is well to the North of the Eagle Mountain railroad, and Figure 3.5-5 shows that the offered lands do not fall within the Salt Creek ACEC. In the FEIS/EIR please identify how the offered lands will be consolidated within the Salt Creek ACEC.

Response to Comment 1-16

Comment acknowledged. Please see also General Response 3 and 6. The NPS and Kaiser/MRC have entered into an agreement (Appendix T), wherein NPS states that the Final EIS/EIR, taking the responses to NPS comments into account and with the additional obligations to protect the Park, is a complete analysis of the potential impacts of the Project in accordance with NEPA and CEQA.

Response to Comment 1-17

The Draft EIS/EIR (Sections 3.7 and 4.7) evaluated the potential and considered the proposed design and mitigation measures, which, when implemented, will reduce impacts to below the level of significance. Biodiversity and ecosystem impacts are discussed in General Response 6. Also see Response 1-13 above.

Response to Comment 1-18

After reviewing the cumulative impacts section and Table 1-6, the lead agencies have concluded that cumulative impacts are appropriately addressed in the text and table. Cumulative impacts to JTNP resources are addressed in the Draft EIS/EIR in Section 5 cumulative impacts section (e.g., the acknowledgment of regional air quality impacts).

Response to Comment 1-19

The "environmentally preferable" alternative will be identified in the Record of Decision (ROD) as required by NEPA.

Response to Comment 1-20

As noted in the Draft EIS/EIR Section 3.5, Land Use (page 3.5-19), the Salt Creek (Dos Palmas) ACEC is one of three administered by BLM in the vicinity of the proposed Project. Salt Creek ACEC is currently proposed to be increased in size from about 4,000 acres to approximately 15,000 acres and renamed Dos Palmas ACEC. This expansion will be the mechanism for consolidating offered lands within the ACEC currently known as Salt Creek. Also see General Response 4.

21. Page 2-56, Groundwater. This section provides an inadequate description of the
a groundwater monitoring program planned for this Project. There is no discussion
b of monitoring for the effects of withdrawals from project wells upon springs or
existing wells. It is not clear whether the monitoring proposed in Appendix C-4 is
c the same as that discussed in this section. As part of any groundwater monitoring
d program and planned mitigation measures, the FEIS/EIR should spell out exactly
what procedures should be invoked if the monitoring detects conditions that are
contrary to the impacts (or the lack thereof) projected in the FEIS/EIR. Further,
e this section is insufficient in that it addresses only the water quality aspects of
Groundwater monitoring.

Response to Comment 1-21

(a) Section 2.1.8 of the Draft EIS/EIR presents an overview of environmental monitoring and contains a brief summary of the proposed groundwater monitoring program in Section 2.1.8.4. It is not the purpose of this section to describe the monitoring program in detail, but rather to identify monitoring as one of the various components of the proposed Project. The groundwater monitoring program is addressed in greater detail in Section 4.1.2.1 (page 4.1-12). For practical considerations, however, the comprehensive nature of the monitoring program necessitates that a more complete description be contained in an appendix to the EIS/EIR (See Section 6 of Appendix C-4). As stated in the Draft EIS/EIR (page 4.1-12), Appendix C-4 is, in turn, an update to the most detailed version of the monitoring program that was contained in the Report of Waste Discharge (GeoSyntec, 1992) for the proposed Project. The Report of Waste Discharge is part of the administrative record for the proposed Project, and is available in several public libraries and County offices throughout Riverside County. See Response to Comment 36-2.

(b) Consistent with the NPS Agreement (Appendix T), groundwater-level monitoring will be included in the monitoring program for the proposed Project. The proposed Project will not include plans to monitor the effects of Project pumping on springs. There is no relationship between the proposed Project or activities in support of the proposed Project (e.g., groundwater pumping) and groundwater discharge from the springs identified in the Eagle Mountains in the Draft EIS/EIR. Monitoring the springs, therefore, would not be indicative of Project-induced impacts. The groundwater monitoring program for the proposed Project also does not include water-level measurements in existing wells, as agreed by MRC. Section 4.1.3.1 (page 4.1-30) of the Draft EIS/EIR concludes that groundwater pumping for the proposed Project would not significantly affect water-levels in existing wells. In addition, there are no regulatory requirements to include water-level measurements in the monitoring program for the proposed Project. However, NPS and Kaiser/MRC have entered into an agreement containing contractual obligations. The additional provisions of this Agreement do not alter the analyses or conclusions of the EIS/EIR.

22. Page 3.1-1, Aquifers and Groundwater Basins, Second Paragraph. The First Sentence states "The Project site is entirely within the watershed of . . . the Chuckwalla Valley Groundwater Basin which is shown in Figure 3.1-1." This paragraph should be modified since it appears that a portion of the landfill site is outside of the Chuckwalla Valley Ground Water Basin and in the Pinto Valley Groundwater Basin, as referenced by Figure 3.1-1, or alternatively, Figure 3.1.1 should be modified.

23. Page 3.1-5, Springs Section-Ground Water Quality and Use. The description of the springs in Joshua Tree National Park should provide a brief discussion of the hydrogeologic setting, including a characterization of the source area geology and hydrologic connection between these springs and aquifers within the Project area.

(c) There is only one groundwater monitoring program for the proposed Project. In the Draft EIS/EIR, this program is identified in Section 2.1.8, summarized in Section 4.1.2.1, detailed in the Report of Waste Discharge (GeoSyntec, 1992, 1993) for the proposed Project submitted to the RWQCB, Colorado River Basin Region, and updated in Appendix C-4 of the Draft EIS/EIR.

(d) In Section 4.1.2.1 (page 4.1-10) of the Draft EIS/EIR, it is stated that the results of groundwater monitoring will be used "to identify potential releases, assess the magnitude of the release, and assist in the development of appropriate corrective measures." This is consistent with remedial investigative procedures that are required under Article 5 of Chapter 15 and the federal requirements in 40 CFR, that are identified in Section 11.3.2 of the Report of Waste Discharge (GeoSyntec, 1992, 1993) for the proposed Project.

(e) See Response to Comment 1-21(b).

Response to Comment 1-22

No change to the text or figures is required. As the commenter noted, the text on page 3.1-1 states: "The Project site is entirely within the watershed of the...Chuckwalla Basin." Figure 3.1-1 illustrates the boundaries of the Chuckwalla Basin, which is a hydrogeological feature, and shows the location of the Project site to be in the Eagle Mountains and the Chuckwalla Basin, not the Pinto Basin. See Figure 3.1-3 for the delineation of the watersheds of the Chuckwalla Basin within the Eagle Mountains and the Pinto Basin.

Response to Comment 1-23

Each of these springs represents localized discharge of groundwater from the bedrock. The amount of flow from these springs is determined by the quantity of recharge to that portion (area) of the bedrock that feeds a particular spring because the general orientation of the principal bedrock fractures is near vertical (see Appendix C-1). Because these springs are locally fed and are not located within the Eagle Creek watershed, none of these springs is directly associated with the bedrock aquifer that underlies the Project site (see Section 3.1.2 of the Draft EIS/EIR and Appendix C-1 for a discussion of the properties of the bedrock aquifer).

24. Pages 3.1-23/24, Ground Water Quality and Use, Last Paragraph Page 23, First Paragraph Page 24. This Paragraph discusses the water quality of the bedrock aquifer in regard to short-term use, maximum and average levels and indicates primary and secondary standards as well as drinking water and contaminant standards. The NPS requests that the context of the water quality of the bedrock aquifer be clarified by identifying the minimum enforceable drinking water standard or other appropriate ground water quality standard, the average and maximum levels in the DEIS/EIR that are used as reference, the definition of "short-term use," and the end use of the water.

Figures 3.1-5 and C1-2 (Groundwater Monitoring Points in the Vicinity of the Project Site) and Figures 3.1-6 and C1-3 (Groundwater Surface Elevations in the Vicinity of the Project Site) have been revised to correct legend items that incorrectly identified certain piezometer sites as Chuckwalla Aquifer Piezometer to Drill Hole instead of as Bedrock Piezometer. The Final EIS/EIR is changed to incorporate this text. This change does not alter the analyses or conclusions of the EIS/EIR.

Response to Comment 1-24

The minimum enforceable drinking water standard is the maximum contaminant level (MCL), which is a function of the constituent of concern. As stated in Section 3.1.3 of the Draft EIS/EIR: "MCLs have been established at both the federal and state level and include both primary and secondary standards. Primary standards represent threshold concentrations that have been established for specific contaminants to protect human health. Secondary standards pertain to contaminants that do not have specific health-based standards but, when present at elevated concentrations, could adversely affect the aesthetic characteristics (e.g., color, odor, taste, and/or appearance) of drinking water." Accordingly, fluoride is governed by a primary standard (MCL) because at elevated concentrations, it can affect human health. Conversely, total dissolved solids (TDS) and sulfate pose more of an aesthetic concern at concentrations below what could affect human health and are, therefore, governed by secondary MCLs (SMCLs). Both MCLs and SMCLs are enforceable by the Riverside County Department of Environmental Health if the water is intended for drinking. In addition, MCLs could be enforced by the California Regional Water Quality Control Board if they are exceeded due to a contaminant release to groundwater, regardless of the end use of the water (see Appendix C1, Groundwater Quality Significance Criteria [page C1-30]). With primary MCLs, there is only one value to consider. With SMCLs, however, there are three values to consider: the maximum recommended concentration, maximum concentration, and maximum concentration for short-term use. The minimum enforceable SMCL is, therefore, a function of how the water is consumed, but typically the "maximum concentration" value is the most applicable.

The average and maximum concentrations presented in Section 3.1.3 of the Draft EIS/EIR pertain to the values of the water-quality data that have been

25. Page 3.4-8, Air Quality, Joshua Tree National Park. Joshua Tree National Park has on-site (in-park) O_3 violations of the California Ambient Air Quality Standard and the National Ambient Air Quality Standard (NAAQS). On page 3.4-6, the last sentence of the first complete paragraph "The maximum 24-hour PM_{10} level measured on-site exceeds both the state and national standards," should be moved to page 3.4-8, Section 3.4.3.3 and state that this means that state and Federal PM_{10} levels in JTNP are probably being exceeded for the 24-hour average.

collected from various monitoring points in the vicinity of the proposed Project site. In addition, SMCLs are presented in the Draft EIS/EIR for TDS and sulfate in terms of a maximum recommended concentration, a maximum concentration, and a maximum concentration for short-term use.

Short-term use is defined differently for each particular water-quality constituent that has a SMCL. The TDS standard is primarily dictated by taste considerations because there are no particular health effects associated with elevated TDS concentrations. Short-term use for TDS applies to users with absolutely no other source of water, and prohibits additional hook-ups if it is a water system. The sulfate standard is primarily dictated by health effects (e.g., diarrhea) that typically occur when people ingest water with concentrations above the maximum recommended level. Short-term use for sulfate could be as little as one exposure (e.g., one drink). An interesting aspect concerning sulfate is that people tend to build up a resistance to the effects of high sulfate and, if routinely exposed, can tolerate elevated concentrations without noticeable consequences. This can be taken into account when establishing what constitutes short-term exposure to sulfate.

The end use of groundwater beneath the site is for a variety of water purposes, including agriculture and drinking water. But this water is not used until it travels at least 3 miles offsite. Groundwater from the bedrock aquifer is neither used nor is it planned to be used by the Project. Although the School Well, which is a bedrock well, was drilled to provide water to the Eagle Mountain School District, it has never been used because Kaiser has continued to supply water to the District. Groundwater from the Chuckwalla aquifer is the source of water for nondrinking water purposes in the Townsite and adjacent areas. The current and proposed source of drinking water to the Townsite is imported water in bottles or tanks. Elsewhere in the local area (e.g., Desert Center), groundwater from the Chuckwalla aquifer is the source of domestic, commercial, and agricultural supply (see Section 3.1.1.1 [page 3.1-7] and Section 3.1.4 [page 3.1-25] of the Draft EIS/EIR).

Response to Comment 1-25

The data available do not support a conclusion that 24-hour averages are being exceeded. Also see General Response 7.

26. Page 3.4-12, Interbasin Transport Between Air Basins, Figure 3.4-3.- The NPS requests that the FEIS/EIR include all the pertinent transport corridors into the Southeast Desert Air Basin (SEDAB). Figure 3.4-3 currently shows only those from the West.

27. Page 3.4-14, Federal Air Quality Regulations. This section (3.4.5.1) should also discuss the National Ambient Air Quality Standards (NAAQS). The NAAQS pertains to 'health and welfare' ambient air standards for humans, as well as the mechanism to identify situations where NAAQS are being violated. The mechanism to comply with NAAQS is referred to as a State Implementation Plan (SIP). Section 3.4.5.1 addresses the relevant regulatory subsections of the Clean Air Act (CAA), except the NAAQS. The NAAQS are a very important component of the CAA pertaining to 'human health and welfare' and needs to be fully defined in this section. Since the park and surrounding area are in violation of the NAAQS for O_3, and the project area is in violation of the NAAQS for PM_{10}, this needs to be fully explained, including the SIP to correct these violations.

28. Page 3.4-14, Prevention of Significant Deterioration. In the FEIS/EIR, this section needs to address the Class I air quality status of the Park and should highlight the responsibility of the Federal Land Manager in protecting air quality related values including visibility in Class I areas. This analysis also should be presented in those sections dealing with the Joshua Tree National Park Air Quality or Wilderness.

Response to Comment 1-26

The transport corridors into the Southeast Desert Air Basin (SEDAB) shown in Figure 3.4-3 are those that have been identified by the California Air Resources Board (CARB), which are from the South Coast Air Basin (identified in Figure 3.4-3 of the Draft EIS/EIR), the San Joaquin Valley, and Mexico. There are no studies documenting transport corridors from the east. The designation of the identified corridors is based on information available from past pollutant transport studies. The primary transport route out of the San Joaquin Valley to the SEDAB is over the Tehachapi Mountains, and this flow contributes to the pollutant burden in the Mojave Desert. This route was identified during a major field study in 1978-79 and more recent studies during the summer of 1995, which showed that during typical summer conditions, airborne pollutants in the southern San Joaquin Valley clearly impact the northern Mojave Desert. An additional transport corridor has been identified as originating from Mexico to the SEDAB. The identification of this corridor was based, in part, on exceedances that were reported at El Centro, less than 20 miles north of the Mexican border. The prevailing summer windflow pattern is across the border from south to north.

Response to Comment 1-27

The Draft EIS/EIR includes a detailed discussion of the National Ambient Air Quality Standards and the attainment status of the various air basins surrounding the Project site (Appendix E, Part 2). This section of the Draft EIS/EIR also includes a discussion of the SCAQMD's portion of the State Implementation Plan.

Response to Comment 1-28

The federal Class I status of JTNP is discussed in the Draft EIS/EIR (Appendix E, Part 3.5). This section of the Draft EIS/EIR also discusses EPA programs and requirements as they apply to JTNP. The responsibility of the federal Land Manager is to protect air-quality-related values (including visibility) of federal Class I areas and to consider, in consultation with EPA, whether a proposed major source or major modification will have an adverse impact on such values.

29. Page 3.5-1, Existing Land Uses of the Project Site, General Setting, First Paragraph, Fourth Line. The NPS requests a change to this sentence as follows: "The mine site is located within the Eagle Mountains and is bordered on the North, West, and South by Joshua Tree National Park and on the East by the Chuckwalla Valley." This is a more accurate description of the Project site. See comment #2.

30. Page 3.5-1, Existing Land Uses of the Site, Eagle Mountain Mine, First Line. The text should be changed to more accurately state: "Portions of undisturbed side canyons and of the Eagle Mountain Mine are proposed for use as a landfill." See comment #1.

31. Page 3.5-9, Existing Land Uses in the Vicinity of the Project Site, Third Line. The FEIS/EIR should identify more clearly that Joshua Tree National Park is immediately adjacent to the proposed landfill to reflect the existing situation.

Response to Comment 1-29

Comment acknowledged. This change in the description of the Project location and setting does not change any conclusions or analyses of the EIS/EIR.

Response to Comment 1-30

Comment acknowledged.

Response to Comment 1-31

The Project is within one and one-half miles from the JTNP boundary at its closest point.

32. Page 3.5-10, Bureau of Land Management and NPS Wilderness Areas, Second Paragraph, Line Seven. Section 3.5.2.2 indicates that management of NPS wilderness is directed by NPS-77. Management of wilderness and other park resources are governed by a series of statutes, regulations and policies. Under the National Park Service Organic Act, as amended, all monuments, parks, historic sites and other properties managed by the NPS are subject to consistent administrative and legal standards, regardless of designation. It is the Organic Act, the NPS 1988 Management Policy, and the Wilderness Act that provide the essential parameters for NPS wilderness management. Thus, references to NPS-77 are not necessary in this paragraph and should be deleted.

33. Page 3.5-11, Land Use Map Figure 3.5-3 Existing Land Uses in the Vicinity of the Proposed Project. NPS comments on the ARD-EIS/EIR requesting map changes have not been incorporated. See comment #9.

34. Page 3.5-14, Recreational Uses. The first paragraph should be revised to include the following information: Discharging firearms is not permitted at Joshua Tree National Park. Backcountry and wilderness camping is permitted and should be identified as occurring within 1.5 miles of the landfill site. Recreational use in the Pinto Basin is not restricted to backpacking as stated. Other activities, such as sight seeing, bird watching, camping, star gazing, wildlife watching, photography, etc., also occur. Recreation use is not exclusively limited by the amount of water one carries.

35. Page 3.5-15, Federal Lands. The first sentence of this section's reference to the California Desert Conservation Area (CDCA) requires clarification. Although Congress established the CDCA by law on October 21, 1976, NPS lands within the CDCA are not subject to the plan that the BLM has developed for the CDCA, known as the California Desert Conservation Area Plan. That plan only applies to Federal lands administered by the BLM, and are legally referenced as "public lands." Although the NPS and BLM are engaged in cooperative planning efforts for their respective land in the California Desert, the NPS lands are not part of the California Desert Conservation Area Plan.

36. Page 3.5-16, Land Use Classification. As stated in our previous comments, the FEIS/EIR should provide additional information regarding the management category under which BLM will manage the offered lands (e.g., Class C, L, M, or I). The BLM management category assigned to a particular area significantly impacts the degree to which natural resources are protected. See 3.5-16 to 17. Because one of BLM's objectives in proposing this Project is to promote

Response to Comment 1-32

The cited section is correct as written in the Draft EIS/EIR. NPS-77 is a key document for implementing land management activities in federal park units. The Wilderness Act, the Organic Act, and the NPS 1988 Management Policy are discussed in detail in Section 3.11 of the Draft EIS/EIR.

Response to Comment 1-33

Refer to Response to NPS Comment 1-9.

Response to Comment 1-34

It is acknowledged that discharging firearms is not permitted within JTNP and that backcountry and wilderness camping is permitted.

Regarding the comment about recreational use restricted to backpacking and limited by water, the Draft EIS/EIR discusses this use in the context of access to the wilderness areas in consideration of the prohibition of motor vehicles and the absence of established visitor-use facilities, rather than as a limitation on the types of activities in which visitors could engage. The range of activities available to JTNP and wilderness area users is described in the Draft EIS/EIR in Section 3.10, Visual and Recreation, and Section 3.11, Wilderness. Consequently, the paragraph is correct as stated in the Draft EIS/EIR.

Response to Comment 1-35

Comment acknowledged. The Draft EIS/EIR text in question describes the general geographical location of both BLM and NPS managed public lands. A complete discussion of NPS land management responsibilities and policies is provided in Section 3.5.3.1 and in Section 3.11.

Response to Comment 1-36

The offered lands would be managed under the California Conservation Area Desert Plan as amended, including specific management practices as required by existing Areas of Critical Environmental Concern (ACEC) plans. Additionally, there will be proposed amendments, particularly for the desert tortoise, but for other species as well, through the Northern and Eastern

biodiversity (4.7-13), such information is particularly important. Information regarding whether the offered lands will be managed in the most protective class (Class C, which preserves an area's wilderness character) or the least protective class (Class I which emphasizes development) is critical if the public and the decision maker are to make an informed choice regarding the extent to which the offered lands will achieve BLM's stated objective of promoting biodiversity.

37. Page 3.5-19, Land Use Classification, NPS. In order to provide appropriate context for this section, a description of the statutory authorities applicable to NPS management should be presented in Section 3.5.3.1. This information would then enable the reader to distinguish the differing obligations of the NPS and BLM.

38. Page 3.7-1, Biological Resources. The NPS requests that the general discussion at the top of Page 3.7-1 state that while the description in the affected environment is focused on special status species, impact analysis is also provided for biological diversity and ecosystem function.

39. Page 3-7 12/13/14, Table 3.7-2, Special Status Wildlife Species Table. The following information is provided based on observations by Joshua Tree National Park personnel: Fringe-toed Lizard occur less than two miles from the Project site. Flat-tailed Horned Lizard occur along the rail line or the haul line. Long Eared Owl occur in the vicinity of the project area, and Eagle Mountain Scrub Jay and Burrowing Owl should be listed as high.

40. Pages 3.7-19 through 3.7-28, Special Status Wildlife Species. The NPS requests clarification of the current U.S. Fish and Wildlife Service (FWS) status of the species listed below and incorporate the revised listing in the FEIS/EIR. As of February, 1996 the FWS combined two classes of species, proposed and candidate species, into one Table (61 Fed. Reg: 7595-7613). These species were previously described as Category 1 candidates. Species previously identified by FWS as Category 2 candidates are now no longer regarded as candidates for listing. They are indicated as FWS listed in the DEIS/EIR.

Of particular interest are the following species:

1. Chuckwalla (*Sauromalus obesus*) is not FWS listed as either a proposed/candidate species or one removed from the candidate list.

2. Western Burrowing Owl (*Athene cunicularia* [=*Speotyto c.*]) is not FWS listed as either a proposed/candidate species or one removed from the candidate list.

Colorado Desert Coordinated Management Plan with which NPS is a cooperating agency. See General Response 4.

Response to Comment 1-37

The Draft EIS/EIR text in question has been reviewed and is deemed to be accurate and of appropriate detail as written. As noted on page 3.5-20 of the Draft EIS/EIR, as well as the introductory paragraph on page 3.5-1, because the majority of JTNP acreage is designated as wilderness, the NPS wilderness zoning and general policies for management are discussed in detail in Section 3.11, Wilderness, to which the Draft EIS/EIR reader is referred. This section contains a detailed discussion of the NPS's and the BLM's land management policies.

Response to Comment 1-38

Comment acknowledged. The Final EIS/EIR has been changed to reflect this comment.

Response to Comment 1-39

None of these species was identified onsite during the biological surveys. Please see General Response 6, which summarizes the basis for the conclusion that these species are absent or have a low likelihood of occurrence at the Project.

Response to Comment 1-40

The change in status of the seven species is reflected in revised text and tables in the Final EIS/EIR (Volume I, Section 6). The editorial change regarding the description of the Cooper's hawk has been made. A California Special Animal is not the same as a Species of Special Concern, rather, in the CDFG regulations, a California Special Animal is treated as a fully protected animal. In reference to the *Federal Register* change in Category 2 species, see Response to General Comment 6.

3. Eagle Mountain Scrub Jay (*Aphelocoma coerulescens cana*) is not FWS listed as either a proposed/candidate species or one removed from the candidate list.

4. LeConte's Thrasher (*Toxostoma lecontei*) is not FWS listed as either a proposed/candidate species or one removed from the candidate list.

5. California Leaf-Nosed Bat (*Macrotus californicus*) is not FWS listed as either a proposed/candidate species or one removed from the candidate list.

6. Townsend's Big-Eared Bat, or Pacific (=*Townsend's*) Western Big-Eared Bat (*Plecotus townsendii*) is not FWS listed as either a proposed/candidate species or one removed from the candidate list.

7. To which species does "California Mastiff Bat" refer? NPS records for Joshua Tree National Park show a Greater Western Mastiff Bat (*Eumops perotis californicus*), which is not FWS listed as either a proposed/candidate species or one removed from the candidate list.

Other points to consider include:

1. The description of Cooper's Hawk should be formatted similarly to the description of the other species mentioned in this discussion.

2. The draft EIS/EIR refers to Nelson's Bighorn Sheep as a California Special Animal. Is this the same as a Species of Special Concern under the California Endangered Species Act? If not, to what does this refer?

41. Page 3.7-20, Reptiles-Desert Tortoise. Note that FWS specifically stated in the designation of critical habitat, 59 Fed. Reg: 5820-5846 (Feb. 8, 1994), that Joshua Tree National Park was excluded because they deemed the existing protection "adequate." The "existing protection" at that time was provided through protection under National Park and Wilderness designations, without respect to external impacts such as those from the proposed Project.

The NPS has established over a dozen long-term monitoring sites in Joshua Tree National Park. Densities have been recorded at over 170 Tortoise per square kilometer. This demonstrates that high density locations of Desert Tortoise occur throughout the area. In developing mitigation for Desert Tortoise, the variation in population densities in all locations must be considered.

Response to Comment 1-41

During surveys of the proposed landfill footprint and alternate access roads, tortoise densities were shown in these three different areas. From these surveys, it is concluded that (a) few if any tortoises occur in the rocky areas comprising the proposed landfill footprint; and (b) more tortoises occur along Eagle Mountain Road and fewer along Kaiser Road, in part because Kaiser Road occurs in relatively low elevations, which precludes high tortoise densities.

Most of the expanded JTNP boundaries into Eagle Mountains are rocky, mountainous areas and similar to the undisturbed portions of the proposed landfill. The EIS/EIR concludes that few, if any, tortoises occur in those rocky areas south, southwest, and west of the proposed Project. Peter Woodman has indicated that tortoises occur in limited numbers below about 1,000 feet in elevation, which, in part, may explain relatively more tortoises along Eagle Mountain Road (elevation at about 900 to 1,000 feet) versus Kaiser Road (elevation at about 700 to 800 feet). The EIS/EIR concludes that fewer tortoises occur in the Chuckwalla Valley (600 feet elevation) to the east and southeast and Pinto Basin (1,000 feet just north of Eagle Mountain) to the north due, in part, to relatively low elevations.

The results of NPS tortoise density studies throughout JTNP, which are referenced in this comment, have been requested by the lead agencies but have not been provided by NPS.

42. Page 3.7-25, Eagle Mountain Scrub Jay, First Paragraph, Last Sentence. The statement that "a population of Eagle Mountain Scrub Jay is located approximately 18 miles from the Project site..." is misleading. Any Scrub Jay encountered in the area is potentially impacted due to degradation of habitat as a result of the proposed Project. The DEIS/EIR also states that "No habitat for the species occurs in the Project area." The section does not indicate how the Eagle Mountain Scrub Jay habitat 18 miles from the project site differs from the project site environment. We request that additional information be shared by BLM, NBS and NPS to define Eagle Mountain Scrub Jay populations and associated habitats within a reasonable vicinity of the Project. If this information is not immediately available, we request it be collected and addressed prior to the publishing of the FEIS/EIR.

43. Page 3-7.31, Biodiversity and Ecosystem Function, Second Paragraph, First Sentence. The text regarding "The regional ecosystem..." must be changed in the FEIS/EIR to state that Joshua Tree National Park "surrounds the Project on three sides." See comment #2.

Alice Karl's study for NPS completed in 1988 surveyed areas throughout JTNP, including Pinto Basin. Karl reported tortoise densities throughout JTNP from 0 to 58 tortoises/km^2. Karl found tortoise densities to be 0 to 7 tortoises/km^2 in the Pinto Basin adjacent to and within 2 miles north of Eagle Mountain and 8 to 29 tortoises/km^2 in areas just north of there. JTNP's highest tortoise densities were reported in the Pinto Basin west of Eagle Mountain, about 3 miles west of the proposed Project site, where 30 to 58 tortoises/km^2 were found, and as many as 77 tortoises/km^2 may have occurred in 1988. Karl's studies do not approach the 170 tortoises/km^2 reported in the comment.

Response to Comment 1-42

The Project site does not contain the habitats described in this comment. Page 3.7-25 states that the Eagle Mountain scrub jay is endemic to pinyon-juniper habitat and scrub oak habitat above approximately 1,200-meter elevation (approximately 3,600 feet). The Project includes elevations from approximately 700 to 2550 feet and does not include habitats in which this species occurs (see Section 3.7.2). Information regarding habitat and location of the population of Eagle Mountain scrub jay is taken from the previous EIS/EIR (BLM and County of Riverside, 1992). The previous EIS/EIR relied on information included in "Birds of Eagle Mountain, Joshua Tree National Monument, California" (Peterson, A. T., 1990), to assess suitability of habitat for this species and to identify the location of suitable habitat nearest the Project site. This location is 18 miles from the Project site. In addition to lack of suitable habitat in proximity to the Project site, measures to control access by ravens and other scavengers to potential sources of food, and raven monitoring and control programs (detailed in Section 4.7) are considered sufficient to reduce potential impacts to other wildlife populations from increased raven populations to less than significant. See also General Response 6.

Response to Comment 1-43

The Draft EIS/EIR depicts that JTNP is located to the north, west, and south of the Project.

44. Page 3.7-31, Biodiversity and Ecosystem Function. It is inaccurate to say that park ecosystems are "protected by" the Park's General Management Plan (GMP). The GMP provides a broad outline of management directions for park resource and development activities. Further specific planning for lands under NPS jurisdiction is carried out under the guidance of statutory law (the NPS Organic Act, ESA, NEPA, etc), regulations and the NPS Management Policies. The text should be modified to indicate this information.

45. Page 3.7-31, Biodiversity and Ecosystem Function, Second Paragraph, Fourth Line. This sentence should be revised in the FEIS/EIR to more accurately state: "Joshua Tree National Park is, located to the North, West and South of the Project site..." See comment #2.

46. Page 3.7-31, Biodiversity and Ecosystem Function, Fifth Paragraph. Please revise this paragraph to read: "Management of resources within Joshua Tree National Park is governed by the NPS Organic Act of 1916 and subsequent amendments. While some localized fragmentation and disturbance does occur in developed areas within the park, over 80% of the Joshua Tree National Park is undisturbed and managed for preservation of wilderness and backcountry resources."

47. Page 3.7-31, Biodiversity and Ecosystem, Sixth Paragraph, First Line. Add the following: "Loss of biodiversity outside of Joshua Tree National Park is occurring throughout the regional and local ecosystem from a variety of sources. Joshua Tree National Park continues to serve as a contrasting example of a relatively undisturbed ecosystem that warrants protection."

48. Page 3.8-4, Figure 3.8-1. The reference to El Dorado Mine Road in the DEIS/EIR should be changed in the FEIS/EIR to Pinto Basin Road.

49. Page 3.9-1, Geology and Mineral Resources. We suggest putting the Proposed Landfill Site on all geologic maps and cross sections to provide reference to the landfill in relation to natural and man-made boundaries and features.

Response to Comment 1-44

The Draft EIS/EIR text in question has been reviewed and is deemed to be accurate as written within the context of discussing local ecosystems. The text referred to in this comment is not a commentary on any specific protective mandates, which may or may not be contained within JTNP's GMP; rather, it is a statement that JTNP has relied on and continues to rely on a variety of guidance materials and policies, including its GMP, to manage, and consequently preserve and protect, JTNP resources. A compilation and discussion of the other NPS policy and guidance documents is provided in various places throughout the Draft EIS/EIR. (See Section 3.5 and 3.11).

Response to Comment 1-45

This clarification to the setting and location of the proposed Project is acknowledged. This change does not alter the analysis and conclusions contained in the EIS/EIR.

Response to Comment 1-46

Comment acknowledged. The NPS's clarifications do not change any of the analysis and conclusions in the EIS/EIR.

Response to Comment 1-47

The Draft EIS/EIR text in question has been reviewed and is determined to be accurate as written within the context of discussing biodiversity and ecosystem function. Also see General Response 6.

Response to Comment 1-48

The road is referred to as El Dorado Mine Road in some publications. The requested change has been made. This change does not alter the analysis and conclusions in the EIS/EIR.

Response to Comment 1-49

To the extent practicable and where doing so provides clarification for the reader, the EIS/EIR contains JTNP boundaries or portions thereof, on map figures in the EIS/EIR. Geologic maps and figures portray a complex amount of information that could be obscured with additional details.

50. Page 3.10-1, Visual and Recreation, First Sentence. This sentence should be changed in the FEIS/EIR to state: This section presents the existing conditions for visual and recreational resources, including components that affect Joshua Tree National Park including Joshua Tree National Park wilderness areas, all of which are within a Class I airshed (see Section 3.4 and 3.11).

51. Page 3.10-7, Scenic Quality. The NPS disagrees with the conclusion that overall scenic quality of the Pinto Basin is moderate (Class B). The Pinto Basin is one of the most undisturbed areas of the entire region. It is because of this that the area was included within the boundaries of Joshua Tree National Park by the 104th Congress. The scenic quality of this area is "High." This determination and the subsequent analysis should be modified in the FEIS/EIR.

52. Page 3.10-9, Viewer Exposure, Second Paragraph, Seventh Line. Please delete the sentence that begins with "Three of these four sites...of the park." The area is within the boundaries of Joshua Tree National Park.

The last sentence of this paragraph states that "The existing topography, specifically the Eagle Mountains, screens views of the site from other areas of Joshua Tree National Park." It is important to note that a portion of the Eagle Mountains is included in Joshua Tree National Park. This sentence needs to be corrected to read: "The Eagle Mountains of Joshua Tree National Park screen views of the project site from other areas within the Park."

53. Page 3.10-10, Visual Sensitivity, Views from Joshua Tree National Park. The FEIS/EIR should be revised to indicate that remote parts of the Park are vital to the Park mission and distance to a facility can increase, rather than decrease value.

Response to Comment 1-50

Comment acknowledged.

Response to Comment 1-51

Using the criteria and rating system in the BLM visual assessment methodology, the Pinto Basin ranked in the moderate range relative to the other features within the region. The moderate rating is largely a result of the fact that Pinto Basin is a large, essentially flat area with little topographic, color, or vegetative diversity. The surrounding mountains and lack of human intrusion do, however, contribute to the moderate scenic quality of the basin. Even if Pinto Basin is assigned a high scenic quality value, however, this will have no effect on the impact analysis or its conclusions. This is because the Project has no effect on the scenic value of Pinto Basin except where the Project is visible as adjacent scenery within the basin. The Project is not visible from the large majority of the Pinto Basin, but is potentially visible from a small area at the most eastern and southeastern edges of the Basin (see Figure 3.10-2 in the Draft EIS/EIR). The proposed Project will not alter the visual quality of the Project site to a great enough degree as viewed from these small, distant (minimum of 5 miles from the site) areas of Pinto Basin to significantly affect the scenic quality of the Basin from these locations or in general. The NPS and Kaiser/MRC have entered into an agreement (Appendix T), wherein NPS states that the Final EIS/EIR, taking the responses to NPS comments into account, is a complete analysis of the potential impacts of the Project in accordance with NEPA and CEQA.

Response to Comment 1-52

The Draft EIS/EIR text in question has been reviewed and is determined to be accurate.

Response to Comment 1-53

The importance and sensitive nature of the remote wilderness experience is acknowledged in this section, as well as in Section 3.11, Wilderness in the Draft EIS/EIR. Please see also General Response 3.

54. Page 3.10-10, Visual Sensitivity, (Views from Joshua Tree National Park). The FEIS/EIR should note that while the majority of the developed facilities are
a located 20 miles from the Project site, the vast majority of wilderness camping and recreational use areas are within 1.5 miles of the project site. In addition, portions of the site are within the viewshed of Joshua Tree National Park.

b First paragraph, Eighth Line. The sentence that begins with "Portions of...areas" should be rewritten to indicate that portions of the park were not included as formally designated wilderness if they contained existing development, thus disqualifying them for inclusion under the provisions of the Wilderness Act.

c First Paragraph, Eleventh Line. Need to identify that Joshua Tree National Park Wilderness is located to the North, West and South of the Project site. See Figure 1-2, Page 1-4.

d Third Paragraph, Sixth Line. As written, the sentence beginning with "This area....Act" is inaccurate and needs clarification. Congress "designates" areas as wilderness under the provisions of the Wilderness Act. Mapped areas used as part of the legislative process do not result in such designation unless they are specifically referred to in legislation establishing the area as wilderness under the Wilderness Act.

55. Page 3.10-11, Visual Sensitivity, (Views from Joshua Tree National Park) First Paragraph. We suggest the following be added to the last sentence: "The remoteness, and high degree of protection afforded this area as part of the National Wilderness Preservation System is indicative of the importance the Congress and the nation placed on maintaining the solitude and wild nature of these NPS administered lands."

56. Page 3.10-16, Recreational Resources, Regional Setting, Joshua Tree National Park. This paragraph should make reference to the land status as currently administered by the NPS. The references to previous management practices under the BLM are not relevant and should be deleted. Text referring to "management provisions of the NPS" needs to refer to the NPS Organic Act, park enabling legislation, and NPS Management Policies, not to NPS guidelines as primary authorities. The reference in this paragraph should state that the majority of the lands are Congressionally designated Wilderness and reference to "anticipated" should be removed.

Response to Comment 1-54

(a) The Draft EIS/EIR text in question has been reviewed and is determined to be accurate as written. JTNP is located within 1.5 miles of the site. In reference to portions of the site being within the viewshed of JTNP, this issue is discussed in Sections 3-10 and 4-10 of the EIS/EIR.

(b) Figures 3.5-3 and 3.11-9 identify wilderness and nonwilderness areas.

(c) Comment acknowledged.

(d) Mapping prepared by individual agencies as part of the legislative process does not, by itself, result in a designation by Congress concerning the wilderness status of the mapped areas. The EIS/EIR is not intended to suggest that Congress has made any legally binding determination with respect to the wilderness status of the JTNP lands. Instead, the statement helps to clarify the Department of the Interior's historical position concerning these lands – i.e., that these lands were not appropriate for wilderness designation. This statement is accurate as written and does not require further clarification in the text of the EIS/EIR.

Response to Comment 1-55

The Draft EIS/EIR text in question has been reviewed and is determined to be accurate as written.

Response to Comment 1-56

With respect to previous BLM land management practices, the Draft EIS/EIR text in question, which provides historic context for the reader, has been reviewed and is determined to be accurate as written. NPS land management policies and mandates are discussed in detail throughout the Draft EIS/EIR, notably in Section 3.11, Wilderness. The comment pertaining to "anticipated" wilderness land designations applies to designations not yet finalized by the JTNP. See Section 3.11 of the Draft EIS/EIR, which discusses JTNP's ongoing planning for backcountry management.

57. Page 3.10-17 Recreational Resources, Regional Setting, First Paragraph, Last Sentence. Consumptive uses were extinguished when these areas were included within Joshua Tree National Park. Thus, the discussion of "negligible impacts" is unclear to the reader. Further, the discussion of "impacts" is not appropriate within the section of the document dealing with the description of the "Affected Environment."

58. Page 3.10-17, Recreational Resources, Regional Setting, Joshua Tree National Park, Second Paragraph, Last Two Sentences. The GMP calls for renovation of existing facilities or construction of a new multi-agency facility outside of the Park boundary at a point between the Park boundary and Interstate 10. Roadways are scheduled to be maintained along existing alignments to meet park road standards. The reference to a "major" widening of roadways does not accurately reflect the provisions of the GMP. The text should be re-written to more accurately reflect the provisions of the GMP.

59. Page 3.10-19, Recreational Resources, Regional Setting, Joshua Tree National Park, Second Paragraph, Last Sentence. Cottonwood Springs is within 20 miles of the Project site. The text should be modified to correct this statement in the FEIS/EIR.

60. Page 3.10-19, Recreational Resources, Regional Setting, Joshua Tree National Park, Fourth Paragraph, Second Sentence. The non-wilderness areas referred to in the DEIS/EIR are zoned "natural" per the GMP for Joshua Tree National Park, and are not "buffer zones." Both wilderness and natural zoned lands included within the Park are managed under the NPS Organic Act to maximize the preservation and restoration of resources. However, the wilderness designation provides additional management constraints upon park operations necessary to preserve wilderness resources and experiences. This correction should be reflected in the FEIS/FEIR.

61. Page 3.10-20, Recreational Resources, Regional Setting, Joshua Tree National Park, Top of Page. In citing activities recommended by Furbush, 1992, the document should note that the work is a popular guide and does not reflect the recommendations of Joshua Tree National Park or the NPS. Access to the Park is available at all times of the year. However, certain time periods require extra caution due to environmental conditions.

Response to Comment 1-57

Comment acknowledged. The Final EIS/EIR has been revised to reflect this change, which does not alter the analyses or conclusions of the EIS/EIR.

Response to Comment 1-58

As noted on page 33 of the JTNP General Management Plan, the exact location of the proposed Cottonwood South Entrance visitor center, which would be constructed to replace the current building,

"...has not been decided, and many options have been suggested. A separate study and environmental analysis would be completed to evaluate alternative visitor center sites and analyze their environmental impacts. This study would evaluate sites in the park at Cottonwood as well as the development of an interagency facility between Interstate 10 and the park boundary."

The comment about JTNP roadway renovations is acknowledged.

Response to Comment 1-59

The text is correct as written.

Response to Comment 1-60

According to the Department of Interior (DOI) maps of wilderness and nonwilderness areas, the areas to which the cited section refer are designated as nonwilderness on DOI maps (see Response to Comment 1-9). The comment requests that the term "nonwilderness buffer zone" on page 3.10-9, fourth paragraph, second sentence be replaced with "nonwilderness area" is acknowledged. This does not alter the analyses or conclusions of the EIS/EIR.

Response to Comment 1-61

Citation of the reference in question, within the context of the paragraph that describes general conditions that a visitor might encounter during certain parts of the year is correct as stated in the Draft EIS/EIR. Although Furbush is a former JTNP employee, the Draft EIS/EIR reference to her publication does not constitute an endorsement or recommendation on the part of NPS.

62. Page 3.11-1, Wilderness, Fourth Paragraph. NPS-77 is not the correct source for analyzing impacts to wilderness resources under NEPA. NPS-77 merely sets out general program guidance for resource management. The proper statutory references for baseline analysis of impacts to wilderness resources and values in this FEIS/EIR are the National Environmental Policy Act, the National Park Service Organic Act and the Wilderness Act.

63. Page 3.11-3, Wilderness Airshed Authorities. The NPS requests in the FEIS/EIR a discussion of Class I and Class II Wilderness airsheds and responsibility of Federal Land Managers under the Clean Air Act. All NPS Wilderness at Joshua Tree National Park is Class I and all BLM Wilderness in the area is Class II. We also request the FEIS/EIR include discussion about the Class differences in terms of planning and operations.

64. Page 3.11-4, Wilderness Areas, First Sentence. The reference to the Figure 3.11-1 (Page 3.11-5) is incomplete in that the NPS Wilderness areas are not depicted. Reference needs to be made that NPS Wilderness lands are as close as 1.5 miles to the Project site. Please incorporate these changes in the FEIS/EIR and delete references that Joshua Tree National Park is part of the California Desert Conservation Area. See comment #71.

Response to Comment 1-62

The governing statutes, including NEPA, the NPS Organic Act, and the Wilderness Act, provide the fundamental basis for analyzing environmental impacts on the JTNP and on other resources. The Draft EIS/EIR discusses in detail the importance and application of the Wilderness Act and other legislative acts in defining wilderness designations and protecting such designated lands. The acts noted in the comment do not, however, contain criteria against which to assess impacts to wilderness areas. NPS-77 is the NPS's guidance for implementing the statutory acts and was recommended by JTNP as an appropriate baseline source for ways in which NPS park managers implement park management decisions, including assessing impacts. Given the broad language used in the statutes, and the fact that NPS itself uses NPS-77 to implement its responsibilities under those statutes, it is appropriate to consider this guidance document in assessing impacts on NPS resources. Thus, the references to NPS-77 are retained in the Final EIS/EIR. Please see also General Response 3.

Response to Comment 1-63

Please see Response 1-28 and General Response 7. The federal Class II area in the immediate vicinity of the proposed Project includes all areas other than JTNP.

Response to Comment 1-64

NPS wilderness areas have been accurately portrayed in the Draft EIS/EIR. NPS wilderness areas in the vicinity of the Project are discussed in detail, beginning on page 3.11-8 of the Draft EIS/EIR, and illustrated on a map (Figure 3.11-6, page 3.11-11). Wilderness areas of JTNP are also depicted on numerous maps throughout the Draft EIS/EIR. Because the NPS wilderness areas in the vicinity of the Project lie within the boundary of JTNP, they were not included in Figure 3.11-1, given the scale of this map.

As stated in Section 3.11.5.1, Wilderness Areas, Figure 3.11-1 depicts federal lands administered by the BLM and NPS. This regional-scale figure illustrates BLM wilderness areas within approximately 25 miles of the proposed Project, as well as national parks and preserves. The location of these federal lands falls within the geographic boundaries of the California

65. Page 3.11-8, Wilderness - NPS. The FEIS/EIR should include a more complete description of the existing conditions of the Joshua Tree National Park Wilderness. The added description should give an indication of the resources potentially impacted within wilderness and should be similar to the descriptions of BLM wilderness, which includes a short descriptive narrative. As a cooperating agency, we would be happy to provide this description for your inclusion in the FEIS/EIR.

66. Page 3.11-8, NPS, Seventh Line. The reference and map need to be updated to reflect accurately the current boundaries and land status.

67. Page 3.11-11, Figure 3.11-6. This map is not an accurate depiction of the "most recent land classification for the Joshua Tree National Park," and needs to be removed or corrected.

68. Page 3.11-12, Other Land Uses Adjacent to Wilderness Areas. Our earlier comments on the ARD-EIS/EIR noted that the public review draft should not include outdated maps reflecting Joshua Tree National Monument status and acreage prior to passage of the California Desert Act. There are numerous inconsistencies in the DEIS/EIR information and analysis through use of maps that are not current. While we understand the position that the outdated maps are included to provide "continuity" with the old EIS/EIR, it is doubtful that decision-makers will either remember or refer back to the old EIS. Further, inclusion of old maps is potentially misleading to readers whose first exposure to the Eagle Mountain Project is occurring in the context of this EIS/EIR. In order to provide for accurate and current information, we request that the maps be updated in the FEIS/EIR.

Desert Conservation Area (CDCA). The cited Draft EIS/EIR text contains no reference to JTNP as "part of the California Desert Conservation Area."

Response to Comment 1-65

The Draft EIS/EIR (Section 3.11, Wilderness) describes the physical wilderness lands in the vicinity of the proposed Project and presents an overview of the various ways in which these lands are managed. Because the wilderness lands discussed include those administered by BLM, as well as the NPS, a presentation format was selected that: (1) defines wilderness (as specified in the Wilderness Act), (2) describes the federal lands in the vicinity of the Project that BLM, as well as the NPS, administer as wilderness (3) provides an understanding of the legislative context in which wilderness is created and administered by BLM and the NPS, and (4) summarizes BLM guidance documents, as well as NPS's guidance, for managing wilderness areas. Because these major categories are discussed for each of these two agencies, it was decided to discuss both BLM and the NPS under these major headings rather than to present the same discussion under separate headings. To facilitate additional understanding of the potential impacts to JTNP wilderness areas, the individual resources sections (such as air) also highlight the setting of and potential impacts to JTNP.

Response to Comment 1-66

Please refer to Response to Comment 1-9 regarding availability and current status of maps depicting JTNP wilderness.

Response to Comment 1-67

Please refer to Response to Comment 1-9 regarding availability and current status of JTNP maps. The text (p. 3.11-11) clearly indicates that the map shows wilderness areas of the JTN Monument and its zoning prior to redesignation as a national park.

Response to Comment 1-68

Please refer to Response to Comment 1-9 regarding availability and current status of JTNP maps. Because of the interim period in which the previous EIR was prepared (1992) and the publication of the Draft EIS/EIR (1996), the interim decisionmaking process of evaluating wilderness study areas and

69. Page 3.11-12, Other Land Uses Adjacent to Wilderness Areas. The first sentence in this section should be rewritten to indicate that the description is for the area immediately adjacent to the proposed site. The land use of Joshua Tree National Park in the general vicinity of the site is characterized by designated wilderness, open space and undisturbed habitat.

70. Page 3.11-12, Other Land Uses Adjacent to Wilderness Areas, Second Sentence. Comparing the information contained on Figures 3.11-6 and 3.11-9 on Pages 3.11-11 and 3.11-15 respectively, does not provide an illustration of the current and proposed land classifications for Joshua Tree National Park as the comparison is between previous Monument and proposed Park land uses. Please provide current and proposed maps for JTNP land use comparison or omit this comparison from the FEIS/EIR.

71. Page 3.11-14, Figure 3.11-8. This figure does not accurately depict the present Wilderness areas of the Park. It should be revised to accurately reflect the current status.

72. Page 3.11-15, Figure 3.11-9. The NPS requests clarification of the footnote to this figure where it is stated that "This zone in the Eagle and Coxcomb Mountains is designated on Department of the Interior (DOI) maps as non-wilderness." The areas of the Eagle and Coxcomb Mountains referenced by the footnote are not marked nor are the mountain ranges identified on this map. Also, the footnote does not indicate the origin (BLM, USGS, or NPS) or date reference for the DOI maps. Changes should be made to clarify.

73. Page 3.11-18, Local Airports and Military Overflights, Top of Page. Add the following to the end of the first paragraph: "The NPS is currently working with the Department of Defense to resolve Joshua Tree National Park overflight issues in a manner that is acceptable to both agencies."

redesignating JTNP to include additional lands for NPS management, the inclusion of the interim maps is appropriate to provide the reader with the historical process for designation of these lands.

Discussion within the Draft EIS/EIR of how the Joshua Tree National Monument was redesignated as a national park is included to provide continuity for the reader of the previous EIS/EIR. In that previous document, the status of the Joshua Tree National Monument had not been changed to the JTNP, and the Wilderness Study Areas under consideration for wilderness designation were evaluated. The discussion of the transition from a monument to a park is included to explain the activities that occurred between publication of the previous EIS/EIR in 1992 and what has occurred since that time. This information is provided to be helpful to readers by fully describing the process for redesignating the subject lands.

Response to Comment 1-69

The Draft EIS/EIR text cited is an accurate description of the adjacent land uses.

Response to Comment 1-70

The Draft EIS/EIR text in question provides a historic context for why the area in question received a nonwilderness designation. Please refer to Response to Comment 1-9 regarding availability and current status of maps depicting JTNP wilderness.

Response to Comment 1-71

Please refer to Response to Comment 1-9 regarding availability and currency of current JTNP maps.

Response to Comment 1-72

See Response to Comment 1-9.

Response to Comment 1-73

The Final EIS/EIR has been changed to incorporate the comment's requested text. This change does not alter the analyses or conclusions of the EIS/EIR.

74. Page 3-11.18, Legislative Background. The NPS requests that the FEIS/EIR add a section here to discuss the Federal Clean Air Act and how it applies to the proposed Project's operations. Suggest adding Section 3.11.6.6 Clean Air Act and PSD, describing Class I air quality responsibilities and protection for Wilderness areas. The Act also pertains to the management of public lands, including wilderness.

75. Page 3.11-20, Section 3.11.6.5 California Desert Protection Act, Second Paragraph, Fourth Line. Add the following text "and not to the NPS" after the phrase "which applies specifically to the BLM."

76. Page 3.11-21, California Desert Protection Act, Second Paragraph. Reference is made to CDPA Legislative History, House Report No 103-498. This section should be modified to indicate that NPS concerns over impacts from the Eagle Mountain Landfill Project on Park resources were established prior to passage of the CDPA and are not limited to impacts on lands added to the Park by recent legislation.

77. Page 3.11-22, Section 3.11.7.1, General Policies for Activities on Adjacent Private Land, First Paragraph. The first sentence is inaccurate. Both the NPS and BLM must manage Wilderness according to the same provisions of the Wilderness Act. All other Wilderness management documents must conform to and not be in conflict with the Wilderness Act.

78. Page 3.11-22, Section 3.11.7.2 Bureau of Land Management Policies, Last Sentence. The FEIS/EIR should note that the BLM operating mandate for wilderness is based on the Wilderness Act, as is NPS.

79. Page 3.11-24, Section 3.11.7.3 NPS, Joshua Tree National Park, Sixth Line. The NPS receives its primary guidance for management of Wilderness from the Wilderness Act and the 1988 NPS Management Policy. All other Wilderness management documents must conform to and not be in conflict with the Wilderness Act.

Response to Comment 1-74

The federal Clean Air Act and how it is applied to the proposed Project are discussed in several locations throughout the Draft EIS/EIR (Appendix E, Parts 2.6 and 4.5). In addition, federal Clean Air Act requirements are reflected in the calculation of impacts, the application of control measures, and proposed mitigation measures discussed in the Draft EIS/EIR (Appendix E, Parts 4, 5, 6, and Attachment D). Please see also General Response 7.

Response to Comment 1-75

The text of the Draft EIS/EIR is sufficiently clear in its present form and determined to be accurate. Accordingly, no change has been made in the Final EIS/EIR.

Response to Comment 1-76

The JTNP longstanding concerns regarding impacts of the Project are acknowledged. This does not alter the analysis or conclusions in the EIS/EIR.

Response to Comment 1-77

Both BLM and NPS must comply with the Wilderness Act in managing wilderness areas under their respective jurisdictions, and the text in the EIS/EIR is not intended to suggest otherwise.

Response to Comment 1-78

The Draft EIS/EIR discusses the BLM's operating mandates, including the Wilderness Act, in Section 3.11. Also, refer to Response to Comment 1-77.

Response to Comment 1-79

The Draft EIS/EIR text in question has been reviewed and is deemed to be accurate as written. The cited passage is intended as an overview of the various policies, plans, and documents that provide NPS with land and resource management guidance, rather than a judgment as to which of these many documents provide the primary guidance for management of wilderness areas. Also see Response to Comments 1-32 and 1-62.

80. Page 4.1-25, Table 4.1-1, Summary of Maximum Annual Water Use by the Project. This table states "Total Maximum Annual Water Use (current Project)" as 1,243 acre-feet. However, this amount is stated as 1,266 acre-feet per year in Appendix C-1, Table C1-4, Technical Memorandum (under Rationale for Pumping Rates). Please indicate which figure is correct in the FEIS/EIR with an explanation as to the source of the information.

81. Page 4.1-26, Groundwater-Level Decline, Second Paragraph. The DEIS/EIR states that Project-related pumping will lower static water levels in "existing wells by no more than a fraction of a foot per year at most." However, we are unable to determine from the information provided in this section whether groundwater pumping will affect sources other than those identified in this section. For example, information is lacking in this section (or in Appendix C-1, Technical Memorandum) to demonstrate the potential effect, or lack thereof, of project-related groundwater withdrawals on wells located at Pinto Wells within Joshua Tree National Park. These wells are located from 5 to 10 miles north-northwest of the Project wells, up gradient of the Chuckwalla Basin in the Pinto Valley Groundwater Basin. Given the proximity of the Pinto Wells to the Project wells, an evaluation of the ground-water decline should be provided in the FEIS/EIR in this section and Table 4.1-2, Results of Approximations of Groundwater Declines, so that the public and the decision maker can better understand the effects of Project-related groundwater withdrawals on the NPS-owned well and water rights.

82. Page 4.4-1, Table 4.4-1, Standards of Significance. NPS Plume perceptibility threshold is 2.0, not 1.0-4.0. In the FEIS/EIR please cite the EPA reference document EPA-454/B-92-008 for the correct threshold value.

Response to Comment 1-80

Comment acknowledged. As a result of additional water use information, the value of total maximum annual water use in Table 4.1 in the Draft EIS/EIR and Table C1-4 in Appendix C have been updated. The updated value is 1,299 ac-ft/yr. The Final EIS/EIR has been changed to account for this value. This update does not alter or change the analyses or conclusions of the EIS/EIR. See Section 6, Volume I of the EIS/EIR.

Response to Comment 1-81

The maximum water-level decline in the area of the Pinto Wells is not anticipated to be greater than the water-level decline determined (in Section 4.1.3.1 [page 4.1-27]) in the well that is representative of the nearest non-Project well (i.e., the observation well identified in Table 4.1-2 of the Draft EIS/EIR). The nearest non-Project well is located approximately 12,000 feet (2.3 miles) west-southwest of the Project pumping wells (see Figure 4.1-3), and the Pinto Wells are located approximately 36,000 feet (6.8 miles) north of the Project pumping wells. The maximum water-level decline in the nearest Project pumping well was determined to be approximately 15 feet after 100 years of continuous pumping at a rate equal to the maximum annual Project demand for pumping (which will not occur until landfilling reaches 20,000 tons/day, approximately 25 years into the Project). As stated in the Draft EIS/EIR (Section 4.1.3.1, page 4.1-26), the calculation of water-level response used values of aquifer parameters that were as conservative as possible to obtain the maximum potential decline in water levels that could be attributed to Project pumping. Based on the Agreement between Kaiser/MRC and NPS (see Appendix T), additional monitoring of groundwater levels will be conducted as an added contractual obligation agreed upon by NPS and Kaiser. This obligation and actions pursuant to it do not alter the analyses or conclusions in the EIS/EIR.

Response to Comment 1-82

It is acknowledged that NPS believes that the visibility significance criteria should be max. Delta-E greater than 2.0. Percentages of the year when visibility impacts are exceeded will be retained to provide context for the reviewer. Based on a plume perceptibility threshold of Delta-E = 2, the impact would still be below the level of significance.

83. Page 4.4-7, Table 4.4-7, Joshua Tree National Park Impacts. This Table lists significance criteria for deposition. It implies a single source can contribute the entire sulfate or nitrate load, before that source's impact is considered significant. This is incorrect. Deposition loads relate to cumulative, not single source, impacts. The area is likely already receiving deposition of nitrate and sulfate due to regional transport, although the amount has not been quantified. Acid Deposition significance criteria may not be representative of arid land conditions. The table needs to clarify that the deposition significance criteria are for cumulative impacts.

Visibility significance criteria should be reported as Max. Delta-E greater than 2.0. Delete references to % of year. Vegetation significance criteria are not available, so delete reference to "not significant".

84. Page 4.4-8, Vegetation, First Paragraph, Last Sentence; Appendix E, page 1-19, 1.4.4.3 Vegetation, First Paragraph, Last Sentence; and Page 6-8, First Full Paragraph, Last Sentence. The DEIS/EIR states that the Project will not contribute significantly to the existing ozone problem in the area. The authors need to provide support for this conclusion. We request the FEIS/EIR contain supporting documentation for this conclusion.

Response to Comment 1-83

The significance criteria used to evaluate the proposed Project are identified in the Draft EIS/EIR (Appendix E, Part 3). To assist in evaluating the air quality impacts associated with sources, various tools are used by local, state, and federal air agencies to determine if a project's air quality impacts are significant. Most air quality regulations are based on project emissions, rather than ambient concentrations, due to uncertainties in the accuracy of modeling techniques that are available. With the exception of the federal Prevention of Significant Deterioration (PSD) increment program, measures of significance that are based on ambient concentrations are generally used for requiring additional modeling or monitoring, or other regulatory requirements, that will improve enforcement and reduce the impacts from the proposed Project. The emissions-based measures are used to evaluate individual projects prior to issuing permits to construct or operate.

With regard to deposition criteria, the Draft EIS/EIR indicates that it is difficult to determine significance criteria for sulfate and nitrate deposition, or to determine an acceptable level or standard. There are no known standards or significance criteria for acid deposition that have been established for arid regions similar to the Mojave Desert. The only state to set an acidic deposition standard is Minnesota, and this standard was set to protect sensitive aquatic and terrestrial ecosystems. Therefore, information was provided in the Draft EIS/EIR on reported values for wet and/or dry deposited nitrogen and sulfur rates from the California Acid Deposition Monitoring Program and some published information on critical loads set for sensitive watersheds throughout the world. This information was provided as a basis for comparison with project impacts, as an alternative to other significance criteria.

Response to Comment 1-84

As discussed in the Draft EIS/EIR (Appendix E, Part 2.4), ozone impacts in the SEDAB and within the JTNP are due primarily to pollutant transport from the SCAB, rather than from emission sources located in the SEDAB. Ozone is formed over time as its precursors (volatile organic compounds and oxides of nitrogen) chemically react in the presence of sunlight. There is not sufficient time for the ozone precursors emitted by the proposed Project to

85. Page 4.4-9, Vegetation, First Paragraph, Second Line. The following sentence contained in the document should be deleted unless additional evidence to support this conclusion is added: "Therefore, no detrimental effects for NO2 are expected."

86. Page 4.4-9, Visibility. The text discusses "For the proposed Project with mitigation, the maximum number of observations with a Delta-E over 2.0 was 39, whereas the observations greater than 0.05 was 29 for the most affected observer." The NPS has previously stated that the FEIS/EIR should include the total number of impacts to all observers in the coherent plume analysis. The total number of occurrences of plumes with Delta-E (coloration) impacts greater than 2.0 is 76, and the number of plumes with contrast greater than 0.05 is 60. The FEIS/EIR should include these numbers for full disclosure of potential impacts. The change in frequency of impact from coherent plumes from the "most affected observer" to "all observers" should also be made in Appendix E at the following locations: Table 1-9, Page 1-18; Section 1.4.4.4 Visibility, Page 1-20; Section 4.7.5 Impacts to Joshua National Park, Page 4-61; Table 6-5, Page 6-19 (a summation line to inform of the 76 Delta-E and 60 contrast values greater than 2.0 and 0.05, respectively); and Section 6.4.6.

significantly affect ozone concentrations in the area; however, they could affect ozone concentrations well to the east. There are no EPA-approved models suitable for analyzing ozone impacts associated with the proposed Project. This is demonstrated by the SCAQMD's Rule 1303 Appendix A, which does not require modeling for VOC emissions; thus, only a qualitative assessment of this impact can be performed.

Response to Comment 1-85

As discussed in the Draft EIS/EIR (Appendix E, Part 6), a review of available literature indicates that the maximum expected NO_2 impacts for the proposed Project are far below the identified threshold damage levels for vegetation. Consequently, it is both appropriate and accurate to state that no detrimental effects from NO_2 impacts on vegetation are expected for the proposed Project.

Response to Comment 1-86

The Draft EIS/EIR includes a detailed summary of the modeled visibility impacts at each observation point identified by NPS (Appendix E, Part 6.4.6). Because visibility impacts are meaningful only in the context of a specific observation point, simply adding together the number of visibility impacts greater than a Delta-E of 2.0/contrast of 0.05 for all observation points would be misleading and would result in an overestimation of visibility impacts. For the purpose of responding to the comment, however, the totals are as follows:

Combined Visibility Impacts
Eagle Mountain Landfill and Recycling Center

	Proposed Project Without Mitigation		Proposed Project With Mitigation	
	Number	% of Year*	Number	% of Year*
Total Number of Instances of Delta-E >2.0	174	0.33%	76	0.14%
Total Number of Instances of Contrast >0.05	117	0.22%	60	0.11%

*Number of instances divided by potential observations (i.e., 6 observers x 8,760 hours per year).

87. Page 4.4-9, and Appendix SECTION 1.4.4.4 (Page 1-20), Section 4.7.5 (page 4-61). The text refers to "regional visibility" when it is describing visible plumes. Please clarify this association in the FEIS/EIR.

88. Page 4.4-10, Visibility, First Paragraph. Justifications for insignificance 1, 2 and 3 should be deleted. We disagree with interpretation of the results which downplays the true severity of the visible plume impacts by stressing the 1 observer location receiving the maximum number of impacts instead of emphasizing the total number of impacts at ALL 6 observer locations. The reported 39 exceedances of Delta-E greater than 2.0 at 1 observer location are significant to the NPS. Furthermore, 76 exceedances of Delta-E greater than 2.0 at ALL observer locations are also significant. In addition, the DEIS/EIR should clearly state that there are also 60 occurrences of plumes with contrast greater than the threshold value of 0.05, at ALL observer locations. **The NPS has determined that the frequency and magnitude of these visible plumes with Delta-E and contrast values greater than the threshold values are an adverse impact to the air quality related values for visibility, and would substantially detract from the visitor's wilderness experience.**

Response to Comment 1-87

The Draft EIS/EIR contains an analysis of the impacts from the proposed Project on visibility resulting from regional haze, as well as plume impacts (Appendix E, Part 6). Because plumes are capable of affecting regional visibility, the term regional visibility refers to both haze and plume impacts.

The EPA-approved Industrial Source Complex (ISCST3) model was used to determine the proposed Project's impact on regional haze. This modeling analysis was performed in close consultation with the NPS. It was agreed that only emissions from the eight flares would be considered because the other sources at the Project site are not likely to contribute to regional haze impacts. The results were analyzed for locations at 50km and 94km (the most remote corner of the JTNP) from the proposed Project. The results showed that the maximum impacts were low and would not have a significant impact on haze in the vicinity of JTNP. Because of conservative assumptions used in the modeling analysis, actual impacts would be expected to be significantly lower than the levels predicted by the model. Furthermore, because complete conversion of oxides of nitrogen to ammonium nitrate and sulfur dioxide to ammonium sulfate was assumed in the analysis, the impacts in the region beyond JTNP are also expected to be less than significant.

The visibility plume impact analysis was conducted using the EPA-approved PLUVUE2 model. Three different scenarios were used to conduct the visibility analysis; a single flare station (the first to be constructed), a virtual source representing all four flare stations together (a total of eight flares) and a single area source covering all other sources at the landfill site. Again, the analysis was conducted in close consultation with the NPS, with the NPS specifying the locations of observers and terrain. The observation locations specified by the NPS were located at the boundaries of the JTNP within 10 km or less of the Project site.

Response to Comment 1-88

Please see Response to Comments 1-82, 1-86, and 1-90.

89. Page 4.4-10, Consistency With Regulatory Programs. The proposed Project is a minor source under the PSD Program. The NPS agrees with this statement. However, minor sources constructed after the minor source baseline date still consume PSD increment. Appendix E Table 1-12, Page 1-26, implies that the proposed Project would not violate the PSD Class II 24-hour PM-10 increment because its highest second-high concentration would be less than 30 micrograms per cubic meter (ug/m^3). The high second-high concentrations should be numerically expressed in the table. The table should also show the amount of increment consumed by other sources to disclose the cumulative increment consumption. This is also true for the Class I increment consumption. Table 1-12, Page 1-26, should include the high, and high second-high impact of the proposed Project, along with the total Class I increment consumed.

90. Page 4.4-10, Visibility, Second Paragraph, Last Sentence. The assumption is made that visibility at Joshua Tree National Park will not be significantly impacted "because this part of the Park receives very little use." Regardless of visitation levels, Joshua Tree National Park remains a Class I airshed and can have visibility significantly impacted regardless of the density of visitation in a particular part of the Park. The Project will impact Park visibility in the areas within close proximity of the Project due to the pristine nature of the Park's air quality and the airborne transport of particulates. The level of physical environmental change in this resource element (air quality) can be deemed significant in it's own right.

91. Page 4.4-10, Consistency with Regulatory Programs. To mitigate overall Project emissions, after the last paragraph of this section add the following in a new paragraph: "To provide added protection of Joshua Tree National Park's Class I airshed, the Project will obtain 1 to 1 emissions offsets within the Riverside County portion of the Southeast Desert Air Basin for all Project pollutants, all sources, which exceed 'Selected Measures of Significance' as defined in Table 4.4-1: 'Standards of Significance.' These offsets will be enforceable and permanent and include emission of nitrogen oxides, volatile organic compounds, PM-10, carbon monoxide, and sulfur dioxide. Mobile as well as area source offsets will be considered."

Response to Comment 1-89

Under the PSD program, "minor sources" constructed after the minor source baseline date consume PSD increment. The PSD minor source baseline date, however, has not been triggered in the area of the proposed Project. The federal PSD regulations (40 CFR 52.21) define "minor source baseline date" as the earliest date after the trigger date on which a major stationary source or a major modification subject to PSD review submits a complete application. Because the PSD minor source baseline date has not been triggered for this area, the proposed Project does not consume increments. Please see the Responses to Comments 1-96 and 1-162 regarding Class I and Class II area.

Response to Comment 1-90

As discussed in the Draft EIS/EIR (page 4.4-10 and Appendix E, Part 6.4.6), level of visitation is only one of the criteria used to determine the significance of visibility impacts. In addition, the observer would need to be at this specific observation location for some part of the 39 hours per year (for the worst impacted observer) that this maximum visibility impact condition could occur and the background visual range would have to be at the 10th best percentile level or better during these same 39 hours. It is the combination of these factors that leads to the conclusion in the Draft EIS/EIR that visibility impacts are considered to be below the level of significance. The differing conclusion of the NPS on this issue is acknowledged, however, and the Draft EIS/EIR notes the differences on page 4.4-10.

Response to Comment 1-91

Emissions from equipment permitted by SCAQMD will be offset by the SCAQMD's Priority Reserve. Neither state nor federal law require emissions for vehicular sources to be offset. Likewise, neither CEQA nor NEPA require the provision of emission offsets, which are emission reductions calculated in accordance with precise regulatory procedures. Rather, CEQA and NEPA require an accurate assessment of the air quality impacts associated with a proposed Project, and a determination as to whether the Project's impacts are significant, and CEQA requires the use of all practicable mitigation measures to reduce significant impacts. The Draft EIS/EIR complies with these requirements. The Draft EIS/EIR also includes a detailed discussion of

92. Tables 4.4-8 and 4.4-9 describe the impact of odor from the proposed project.

a The odor impact of methyl mercaptan (which has the smell of rotten cabbage) was calculated using an annual average concentration, whereas the detection threshold value cited in the tables is based on a short term average. This use of an annual average modeled impact to describe odor impacts is inappropriate. The odor impact analysis should be based on a short term averaging time of 1-hour, or less. Therefore, FEIS/EIR should contain a revised odor analysis for methyl mercaptan based on a modeled 1-hour concentration.

b The FEIS/EIR should also provide concentration estimates on a pollutant specific basis emitted by the proposed landfill, and compare these to the published odor detection and recognition thresholds found in Table 1 on page 148 of the Air Pollution Engineering Manual, Air and Waste Management Association, 1992. The FEIS/EIR should also contain the off-site dilution to threshold (d/t) ratio for the odorous compounds from the proposed project.

the emissions offsets required by the regulations of the SCAQMD (Appendix E, Part 4.5).

Response to Comment 1-92

(a) The comment is noted and the odor impacts have been recalculated using a 1-hour averaging time. The results of this analysis are shown in the following table.

Eagle Mountain Landfill and Recycling Center
Odorous Compounds—Landfill Surface

Contaminant	Maximum[1] Unit Impact ($\mu g/m^3/g/sec$)	Maximum Emission Rate (g/sec)	Maximum Impact ($\mu g/m^3$)	Maximum Impact (ppmv)	Detection[2] Threshold (ppmv)
Dimethyl Sulfide	48.804	1.1E-04	0.0055	2.1E-06	1.0E-03
Methyl Mercaptan	48.804	8.2E-03	0.4012	2.0E-04	5.0E-04

[1]Maximum 1-hour average modeled impact for a 1 g/sec unit emission rate for landfill surface.
[2]From "Air Pollution Engineering Manual," Air and Waste Management Association, 1992, page 148, Table 1.

As with the impacts shown in the Draft EIS/EIR, the impacts using the shorter averaging time show that the maximum offsite impacts are well below the corresponding detection thresholds for each substance analyzed. Consequently, emissions of fugitive landfill gas are not expected to cause a significant odor impact and the analyses do not alter the conclusions of the EIS/EIR.

(b) As discussed in the Draft EIS/EIR, the odor analysis was based on determining the types of compounds that have been found in landfill gas that are also considered to be odorous (Draft EIS/EIR, Section 4.4.2.1). The reference document cited in the comment was used to perform the odor analysis in the Draft EIS/EIR (i.e., "Air Pollution Engineering Manual," Air and Waste Management Association, 1992). The only compounds identified in landfill gas that are also considered to be odorous are the two compounds analyzed for the proposed Project (i.e., dimethyl sulfide and methyl

93. Page 4.4-12, Mitigation. The following should be added to the end of the first paragraph in this section:

> The Project will operate in such a manner as to minimize odors, resultant from both the landfill and arriving waste, to the extent that Joshua Tree National Park visitors will not be subjected to detectable levels.

94. Page 4.4-12, Mitigation. Please insert the following three paragraphs immediately following the amended first paragraph in this section:

> Monitoring stations will be constructed and operated, in a manner mutually acceptable to the project proponent and NPS, within the Joshua Tree National Park to assess the impacts of the Project on visibility at Joshua Tree National Park using an 'IMPROVE' visibility monitoring station or other instruments deemed appropriate by NPS. In addition, two criteria air pollutant monitoring stations, equivalent to the one in Joshua Tree National Park at the Black Rock Canyon Campground, will be constructed and operated, in a manner mutually acceptable to the project proponent and NPS.
>
> A final weather monitoring station, similar to that in Pinto Basin, will be constructed and operated, in a manner mutually acceptable to the project proponent and NPS.
>
> Should future analyses or monitoring indicate that this Project is causing an adverse impact on air quality- related values within Joshua Tree National Park, additional mitigation measures may be required.

95. Page 4-4.14, Significance after Mitigation. The NPS finds the trade-offs between minor improvements in SCAB air quality at the expense of considerable air quality impacts in the desert (next to a Class I Wilderness National Park) unacceptable. NPS is concerned about this potential precedent, and believes that such precedent constitutes a significant impact under NEPA. See CEQ's NEPA Regulations (40 CFR 1508.27 (b) (6)), which indicates that "the degree to which an action may establish a precedent for future actions with significant effects" is a critical factor for determining significance.

mercaptan). With regard to the comment that the Draft EIS/EIR should also contain the offsite dilution to threshold (d/t) ratio for the odorous compounds, the ratio can be calculated by dividing the maximum impacts by the detection threshold values identified in the last two columns of the table above (see Response to Comment 1-92a.). These ratios are 0.0021 for dimethyl sulfide and 0.40 for methyl mercaptan.

Response to Comment 1-93

Because the odor analysis in the Draft EIS/EIR concludes that impacts will be insignificant, an odor mitigation measure (beyond measures the EIS/EIR identifies) is not required. However, because of the NPS Agreement with Kaiser/MRC, the mitigation monitoring plan for the Project (Appendix M) will include a contractual obligation to minimize odor impacts by minimizing the time required to empty waste containers and by controlling animal access. This obligation does not alter the analyses or conclusions of the EIS/EIR.

Response to Comment 1-94

The mitigation monitoring plan for the Project will include installation and operation of a fine particulate and gaseous pollutant air quality monitoring system, as well as a meteorological and visibility monitoring system. Although neither NEPA nor CEQA would require these measures, two visibility monitoring stations and a meteorology station will be installed pursuant to the Agreement between the applicant and NPS. The terms of the Agreement do not alter the analyses or conclusions of the EIS/EIR.

Response to Comment 1-95

There is no precedent associated with allowing the construction of the proposed Project or the Project alternatives adjacent to the JTNP. Approval of the Project would not legally mandate or obligate future approval of any similar Project in the desert region. Thus, no precedent is set by Project approval, if ultimately authorized. The fact that there will be improvements in South Coast Air Basin air quality due to the transfer of waste away from the basin to the Project site is a relevant consideration in evaluating the overall impacts of the proposed Project. It is not the intent of the Clean Air Act to prohibit projects from constructing in areas adjacent to federal Class I areas, such as the JTNP. Depending on the size of the project and the

96. Page 4.4-15, Table 4.4-12, Ambient Air Quality Impacts. California State and Federal PM10 24-hour standards are exceeded prior to the Project and are exacerbated due to the Project. Also, the modeled ambient 24-hour PM10 impact of the Project exceeds Class II PSD increments. Please report the second highest PM10 24-hour concentration to compare to the Class II increment. Cumulative effects of other sources should be addressed in the FEIS/EIR for increment consumption.

97. Page 4.4-15, No Action Alternative-Impacts. We disagree with 4 of the 5 assumptions listed because they do not address the completion of an alternative large landfill (competing with Eagle Mountain landfill for the same waste stream). If one of these alternative large landfills becomes operational, only assumption number 2 would be accurate.

98. Page 4.4-18, Comparison of Alternatives. Figures 4.4-1 through 4.4-5. Each alternative, except No Action, shows significant increases in air pollution adjacent to Joshua Tree National Park Class I airshed which is contrary to the purpose of the PSD section of the Clean Air Act (i.e., to protect Class I airsheds. In the FEIS/EIR the impact trade-offs between SCAB and the Project site should be illustrated.

The discussions explaining pollutant increases in SCAB for the No Action Alternative are confusing and should be re-written to include assumptions made to generate Figures 4.4-1 through 4.4-5.

attainment/nonattainment classification of the area in question, either the federal Prevention of Significant Deterioration (PSD) program and/or local District New Source Review (NSR) program regulates the construction of new projects in areas adjacent to federal Class I areas. For the Project site, the local District is the SCAQMD. Both the PSD and SCAQMD NSR programs allow for the construction of new projects adjacent to federal Class I areas as long as certain regulatory limits are not exceeded. As discussed in detail in the Draft EIS/EIR (Appendix E, Parts 4 and 5), the proposed Project and all Project alternatives conform to the applicable requirements of the PSD and SCAQMD NSR regulatory programs.

Response to Comment 1-96

As discussed in the Draft EIS/EIR (page 4.4-15, Table 4.4-12), the modeling analysis shows that the proposed Project with mitigation exceeds the 24-hour average PM_{10} EPA Class II increment only one day per year. The second-highest PM_{10} 24-hour average impact for the proposed Project with mitigation is 28.95 $\mu g/m^3$, which is below the EPA Class II increment of 30 $\mu g/m^3$.

Response to Comment 1-97

By its terms, the No Action Alternative assumes that Southern California's landfill needs will be met through the use of existing, expanded, or other new landfills. Consequently, the assumptions used to calculate emissions for this Project alternative are appropriate, reasonable, and accurate when considering the intent of the No Action Alternative. The emissions associated with other proposed regional landfills are discussed in detail in the Draft EIS/EIR (Appendix E, Part 8).

Response to Comment 1-98

As discussed in detail in the Draft EIS/EIR (Appendix E, Part 4.5), the proposed Project is not a "major source" for purposes of the EPA's PSD regulations because the emissions from sources and/or activities covered by the PSD regulations are less than 250 tons per year of any air pollutant subject to the regulations. Therefore, the proposed Project would not be regulated by the PSD program. The PSD program applies only to "major sources," and allows these types of sources to be located and operated in areas classified as attainment/unclassified, including areas adjacent to

99. Page 4.4-19, Comparison of Alternatives. In the FEIS/EIR, the NPS requests the addition of a detailed comparison of reasonably foreseeable projects of a similar nature in the area. Please see the General Comments above.

federal Class I areas, such as the JTNP, as long as PSD growth allowances (i.e., increment levels) and National Ambient Air Quality Standards (NAAQS) are not exceeded.

A detailed discussion of the assumptions used to estimate emissions for the proposed Project and all Project alternatives is included in the Draft EIS/EIR (Appendix E, Parts 4 and 5). The analysis of emissions for the proposed Project as well as the Project alternatives were performed with a high degree of conservatism. For example, for the proposed Project it was assumed that the maximum amount of waste hauled by train would be 18,000 tons, and the waste hauled by truck would be 2,000 tons per day, even though this rate would not be achieved for 30 years after the startup of the landfill. In addition, it was assumed that the landfill gas generation rates would be at the maximum levels forecasted and that combustion emissions for the flares would be based on 100 percent of the maximum potential landfill gas generated. Furthermore, a detailed discussion of the assumptions used to develop Figures 4.4-1 through 4.4-5 is also included in the Draft EIS/EIR (Appendix E, Part 7). This section of the Draft EIS/EIR, along with Figures 4.4-1 through 4.4-5, clearly illustrate the air quality impact tradeoffs between the South Coast Air Basin and the Project site for each Project alternative.

Response to Comment 1-99

The Draft EIS/EIR includes an analysis of the cumulative impacts of the proposed Project, as well as other projects in the immediate vicinity of the proposed Project and other regional landfills (Section 5.2). These projects include the proposed Project and alternatives, the Eagle Crest Energy Company hydroelectric pumped storage project, and JTNP construction projects as specified in its General Management Plan (NPS, 1995). The Eagle Crest Energy Company project is proposed to provide peaking capacity to southwestern electric utilities and is proposed to have 1,000 MW of generating capacity using reversible pump/turbine units. The proposed changes to the JTNP to handle additional visitors and their vehicle operations were also analyzed. A detailed comparison of these projects, including the initial construction air emissions, the onsite air emissions, and the total regional air emissions, are provided for comparison in the Draft EIS/EIR (Appendix E, Part 8). Research has revealed no other reasonably foreseeable projects in the area. Please see also General Response 2.

100. Page 4.5-12, Proposed Action, Impacts-Immediate Vicinity. The first paragraph provides an explanation of the "Project Site." The appropriate description should include a narrative that more accurately describes the "immediate Vicinity." Please include this replacement sentence for the Immediate Vicinity description in the FEIS/EIR: "The project site is bordered on the North, West and South by Joshua Tree National Park and on the East by the Chuckwalla Valley."

101. Page 4.5-14, Proposed Action, Impacts, Joshua Tree National Park, First Paragraph. This paragraph should be revised in the FEIS/EIR. The text should note that use of the Pinto Basin occurs year round with increased visitation during the fall, winter and spring seasons. No improvements are planned for the Pinto Basin because this area of the Park is in officially designated wilderness. This does not imply any less significance, but is an indication of the pristine and undisturbed condition of the resources within that area.
The NPS requests the following alterations to the third paragraph:

Add to the end of the second sentence: "...as this area is designated wilderness and development is prohibited."

Add to the end of the third sentence: "... as is the case when hiking in high desert wilderness."

Amend the fourth sentence by deleting: "hiking in the Pinto Basin is not recommended."

The reference to not recommending hiking in the Pinto Basin in the summer months is not the policy of the NPS. Pinto Basin is open to visitation year-round. The park issues wilderness hiking tips for a safe, enjoyable backcountry experience, as does BLM.

102. Page 4.5-15, Proposed Action, Impacts, Joshua Tree National Park, Fourth Paragraph, First Sentence. As indicated above, translocating Bighorn Sheep from the Eagle Mountains within the Joshua Tree National Park would not be an acceptable mitigation measure for loss of Bighorn Sheep populations.

The purchase of additional lands to mitigate loss of biological resources in the immediate vicinity of the landfill is not an acceptable mitigation, and would be seen as a loss of biological diversity from within the Park.

Other than Bats and Bighorn Sheep no reference is made to impacts to Joshua Tree National Park biological/ecological resources within the immediate vicinity of the landfill. The issue of eutrophication is not addressed here and is one of our major points of concern. (See Attachment 1.) These deficiencies need to be corrected in the FEIS/EIR.

103. Page 4.5-16, Significance After Mitigation, Last Paragraph. The conclusion of "no significant land use conflicts are expected to occur between the Project and Joshua Tree National Park" is not supported by the DEIS/EIR as air quality has been identified as a significant cumulative impact after mitigation on Page 1-63. In addition we believe there may be additional Project generated direct and indirect impacts that are significant after mitigation that are not identified in the DEIS/EIR. These were contained within our comments on the ARD-DEIS/EIR.

Response to Comment 1-100

See Response to Comment 1-2.

Response to Comment 1-101

The Draft EIS/EIR text in question has been reviewed and is deemed to be accurate as written within the context of land uses. The cited passage is intended as an overview of general conditions and existing/planned facilities within this area of JTNP, and not as a judgment as to the relative significance or importance of this area as a recreational or wilderness resource.

The Draft EIS/EIR document discussed the only reference the lead agency could identify with information on the use of the Pinto Basin for recreation. In addition, MRC/Kaiser has submitted documented inspection reports from activities in the Pinto Wells area (the joining of the Pinto and Chuckwalla valleys to the north-east of the project), which indicate that between April 1993 and December 1995, four camping parties and six unoccupied vehicles were sighted in the Pinto Wells area of JTNP.

Response to Comment 1-102

With regard to these potential biological impacts and mitigation measures, please refer to General Response 6 and Response to Comments 1-7 and 1-113.

Response to Comment 1-103

The Draft EIS/EIR describes the land use plans and policies that are applicable to areas in the vicinity of the Project but not within the Project site. The Project site includes lands that are within the land use jurisdiction of the County and lands that are currently within the jurisdiction of the BLM, the two lead agencies for the Project. Near the Project, but outside the boundaries of the Project site, are other lands that are within the land use jurisdiction of the County and BLM, respectively, as well as federal lands within JTNP that are managed by the NPS.

The Draft EIS/EIR analyzes the existing land uses within and near the Project site and each of the statutory and administrative land use plans and policies that apply to the lands within and near the Project site. (See Sections 3.5 and

4.5). The Draft EIS/EIR also describes and complies with the procedures and standards that are required by those plans and policies to evaluate the consistency of the Project with those land use plans and policies. (See Sections 3.5.3.1 [BLM Land Use Classifications and Plan Elements], 3.5.3.2 [County's Land Use Determination System], 4.5.2 and 4.5.3 [Project Compatibility with Existing and Proposed Land Uses Within and Around Project Site], and 3.11 and 4.11 [BLM Wilderness Management Policies, NPS Wilderness Management Policies, NPS General Management Plan, NPS Wilderness and Backcountry Management Plan and Wilderness Area Zoning, NPS Management Plan for Natural and Cultural Resources]).

The purpose of including an analysis of the applicable land use plans and policies, and the compatibility of the Project with those plans and policies, is to assist the decisionmakers in determining whether the proposed Project is compatible with current and future uses and whether any potential physical environmental impacts resulting from current or anticipated land uses could be significant. The analyses in the EIS/EIR have led to the conclusion that there could be a potentially significant impact on air quality. The ultimate administrative determination of the Project's consistency with applicable federal, state, and/or local land use plans and policies is made by the decisionmaking bodies of the lead agencies for the proposed Project, the County of Riverside and the BLM–as an integral part of their own Project approval processes, and in determining their own plan and policy consistencies.

In evaluating the significance of potential land use impacts, the lead agencies have considered the Project's overall compatibility with land use plans and policies within and around the Project site. Under this approach, a finding of a significant impact in one resource area (e.g., air quality) did not result in an overall finding of a significant conflict with land use plans and policies. The lead agencies evaluated each individual impact in the context of the overall relationship between the Project and nearby land uses, both existing and planned. With respect to JTNP, the lead agencies gave due consideration to the finding that the Project will cause some significant impacts in the desert region, including significant impacts on air quality. At the same time, the lead agencies also considered other important findings in the EIS/EIR, such as the finding that extensive mitigation measures proposed as a part of the Project would reduce most impacts on JTNP to below a level of significance. (Please

104. Page 4.7-3, Impacts to Wildlife. The NPS is committed to the long-term protection of unimpaired ecosystems within the Park. The discussion in the DEIS/EIR concentrates only on direct impacts and does not deal with ecosystem effects. There is potential, however, for internal effects not related to direct mortality – including: air quality impact, eutrophication, extended home ranges and imbalance in predator-prey relations, extended movement patterns, ravens, gulls, starlings, and non-native seed-dispersal.

The next-to-last sentence, third paragraph, "Changes in the number and relative abundance of some wildlife species might occur in the immediate vicinity of the landfill," touches on this concern but doesn't provide any method by which these changes would be evaluated or mitigated. On what data is the following sentence anticipating no effect based on? Please identify the foundation for this statement in the FEIS/EIR or delete the conclusion.

105. Page 4.7-4, Special Status Wildlife Species-Common Chuckwalla. This animal has been watched by desert biologists with concern for years, yet reasons for its decline are little known. Once again, the NPS is concerned about the small linkages and common animals whose ecosystem relations might be involved in this problem. By focusing only on direct habitat loss mortality, the DEIS/EIR de-emphasizes indirect impacts. In the DEIS/EIR the range of potential loss of individuals is between 156 and 4,982. The maximum for this range is over 31 times the minimum loss level. The last two sentences of this section indicate the possibility of significant adverse impact to this species. As the range for individuals lost is great (31 times the minimum estimate) and the possible negative impacts on the species could be significant, the NPS requests additional information regarding proposed mitigations and monitoring in the FEIS/EIR for Common Chuckwalla and their habitat.

refer to Section 4.4.2.1, at pp. 4.4-7 to 4.4-10 of the Draft EIS/EIR.) In this context, while recognizing the concerns raised by the NPS, the lead agencies determined that any conflict between the Project and the land use plans and policies within JTNP would not be significant. As stated, land use compatibility impacts of the proposed Project are not considered to be significant after implementing the mitigation measures proposed. Potential air quality impacts are acknowledged and discussed in Section 4.4 and Appendix E. Potential cumulative impacts are discussed in Section 5 of the Draft EIS/EIR. Neither of these potential impact areas is associated with the issue of land use compatibility, as defined and discussed within the context of the Draft EIS/EIR, although the potential for land use conflicts on a cumulative basis is addressed in Section 5.

Therefore, the analyses in the EIS/EIR conclude that an adverse air quality impact that cannot be fully mitigated does not constitute a land use conflict.

Because the comment does not specify impacts other than air quality as an example of significant land use conflicts, it is not possible to respond in greater detail to this issue. All comments on the Administrative Draft EIS/EIR were considered in the preparation of this EIS/EIR. Please see also General Response 3.

Response to Comment 1-104

The Draft EIS/EIR addresses potential impacts to biodiversity and ecosystem function in Section 4.7.4 Biodiversity and Ecosystem Function, rather than in the Wildlife section. Wording in Section 4.7.3.2 Impacts to Wildlife on page 4.7-3 that refers to potential changes in the relative abundance in the immediate vicinity of the landfill should refer to effects on populations of common wildlife species resulting from disturbance associated with project features. The reader is referred to the discussion of the significance standards in Section 4.7 and the discussion of ecosystem impacts in Section 4.7-4. Please see also General Response 6 and Responses 1-6 and 1-121.

Response to Comment 1-105

Pages 4.7-19 and 20 identify mitigation and monitoring of translocation of chuckwallas in addition to specifying acquisition of chuckwalla habitat, which

106. Page 4.7-5, Special Status Wildlife Species, Flat-tailed Horned Lizard. These small, rare, virtually unknown dwellers of the area are unlikely in the Eagle Mountains but may be present along the rail line. There is a need for the FEIS/EIR to cite current scientific data in support of conclusions reached regarding the flat-tailed horned lizard.

107. Page 4.7-5, Special Status Wildlife Species-Desert Tortoise. The potential impacts listed in this section point toward possible tortoise decline. But there are also larger and cumulative effects of habitat disturbance and cascading effects from other animals (parasites, predators, disease) that are not addressed sufficiently in the DEIS/EIR. We are especially concerned because Joshua Tree National Park is regarded as a refuge and control site for the Desert Tortoise.

We request that the operator use monitoring and mitigation efforts to determine the impacts due to Desert Tortoise habitat loss and increased predation of Desert Tortoise brought on by scavengers attracted by the landfill. The mitigation measures to be addressed should include:

1. Conduct a predator monitoring program at the landfill, including a two-year pre-operation survey to provide baseline numbers of existing predator populations.

2. Mitigate potential increases in Common Raven, Coyote, Kit Fox, and other predator populations from the presence of trash at the landfill site. If the Common Raven population in the region of the landfill increases as a result of landfill activities, then an active control program will be instituted. The project proponent will present its control plan and depredation permits to the Park prior to start up of the landfill. If control measures are instituted, but found to be ineffective the plan will be revised and new measures undertaken.

3. Fence the perimeters of all active landfill and waste handling areas with fencing designed to exclude large scavengers and place a minimum 6-inch covering appropriate cover material over deposited and compacted refuse on a daily basis to minimize raven, rodent, and other opportunistic scavenging.

4. Conduct a non-lethal predator control program, that will as a minimum include: hazing at the landfill site, coyote and kit fox aversion (aversive conditioning) techniques, prompt removal of road-killed wildlife along access roads, and the possible use of bird repellent methyl anthranilate.

is likely to be focused on the Chuckwalla Bench, as a priority for the Environmental Mitigation Trust. The range of numbers of chuckwallas potentially lost is a result of population fluctuations that normally occur in chuckwalla populations in response to environmental variability, (as explained in the Draft EIS/EIR), rather than as a function of Project features. Please see also Response to Comment 1-116.

Response to Comment 1-106

The flat-tailed horned lizard occupies sand dunes with windblown sand habitat. This type of habitat generally does not occur in the rail line right-of-way, and this species was not observed during field surveys. Additionally, BLM biologists provided the opinion, in a letter dated January 23, 1996, that the species does not occur in the Project area.

Response to Comment 1-107

The document discusses the potential impact to the desert tortoise and to tortoise habitat on Pages 4.7-5 through 4.7-8. Mitigation measures to lessen the potential impacts are discussed on Pages 4.7- 20 through 4.7 -28. These mitigation measures are specified in the USFWS Biological Opinions of 1992 and 1993. On September 30, 1996, the USFWS stated that it planned to review the most current information about desert tortoise habitat, but that at present the USFWS sees no need to reinitiate consultation. See also General Response 6. The NPS and Kaiser/MRC have entered into an agreement (Appendix T), wherein NPS states that the Final EIS/EIR, taking the responses to NPS comments into account, is a complete analysis of the potential impacts of the Project in accordance with NEPA and CEQA.

The potential impacts of habitat disturbance are discussed in the document. Mitigation measures for these potential impacts include the purchase of 400 acres of Class I and II desert tortoise habitat by Kaiser for the BLM to administer, acquisition of Kaiser offered lands in the exchange, and the purchase of land from a portion of the funds in the Environmental Mitigation Trust.

The four specific mitigation measures requested in the comment have been incorporated as obligations of MRC in the Agreement between the NPS and

108. Page 4.7-8, Special Status Wildlife Species-Birds, Second Indented Paragraph. The DEIS/EIR states that Desert Tortoise surveys conducted by Circle Mountain Biological Consultants in 1995 and 1996 have found tortoises in previously unknown areas that will be impacted by the Project. These areas were not addressed in the original Biological Opinion. Because the Project will impact these new areas (e.g., areas east of Phase IV of the landfill footprint and 11 acres in tailings pond area), BLM should ask the U.S. Fish and Wildlife Service (FWS) to assess whether the Biological Opinion needs to be revised; and we request a timely receipt of the FWS response be sent to the Superintendent, Joshua Tree National Park.

109. Page 4.7-9, Special Status Wildlife Species, Burrowing Owl. These animals should be considered present in the vicinity of the Project area.

110. Page 4.7-9, Special Status Wildlife Species, Eagle Mountain Scrub Jay. What specific data suggest that the closest population of Eagle Mountain Scrub Jay is 18 miles away? Until other data are forthcoming, all Eagle Mountain Scrub Jays near the proposed Project site should be considered possible members of this group. Please revise this information in the FEIS/EIR.

111. Page 4.7-12, Special Status Wildlife Species-Bighorn Sheep, Second and Last Sentence of the Sixth Paragraph. This paragraph contains conflicting statements as to the status of Project loss of Bighorn Sheep habitat (330 acres). The second paragraph states the 330 acres of habitat is of high quality and the Sixth Paragraph states that it is not believed to be utilized as a high quality lambing area. We believe that the Eagle Mountain range is critical Bighorn Sheep habitat. Inconsistencies regarding Big Horn Sheep habitat should be corrected.

MRC (Appendix T). The Agreement does not the change the analyses or conclusions of the EIS/EIR.

Response to Comment 1-108

Evidence of additional tortoise activity (scat) was identified in 1996 surveys. In a letter dated September 30, 1996, the USFWS indicated that it will review this updated information, but that presently it sees no need to reinitiate consultation relative to Section 7 of the Endangered Species Act. Figure 3.7.3 has been updated to show the tortoise evidence (Final EIS/EIR, Volume I). Sufficient mitigation has been identified in the EIS/EIR to reduce impacts to a level that is below significance. See General Response 6.

The NPS and Kaiser/MRC have entered into an agreement (Appendix T), wherein NPS stated that the Final EIS/EIR, taking the responses to NPS comments into account, is a complete analysis of the potential impacts of the Project in accordance with NEPA and CEQA. This information does not alter the analysis or conclusions of the EIS/EIR.

Response to Comment 1-109

Section 3.7 indicates that there is a moderate chance of western burrowing owl occurring in the Project area, however, neither owls, nor signs of owl-occupied burrows were identified in detailed surveys that focused on burrows in the previous EIS/EIR and the current document. See also Response to Comment 1-39 and General Response 6.

Response to Comment 1-110

See Response to Comment 1-39, 1-42, 1-109, and General Response 6.

Response to Comment 1-111

As indicated in the first sentence of the discussion of this species on page 4.7-11 of the Draft EIS/EIR, the bulleted items include potential impacts to sheep identified by previous studies, among them the second paragraph (or bullet) that mentions loss of 330 acres. Although the habitat is not specifically high quality for lambing, it is still generally considered high quality for Bighorn sheep. The paragraph that follows these bullets is the assessment of impacts for the current EIS/EIR, based on continued studies

112. Page 4.7-13, Special Status Wildlife Species, Ninth Paragraph. We do not agree with the conclusion that "The Proposed Action includes certain inherent measures associated with the Project that would protect or enhance biological resources in the vicinity of the proposed Project." We request this statement be corrected in light of the potential significant cumulative impacts to air quality and ground water use as stated on page 1-42 and in Table 1-6 on page 1-63.

113. Pages 4.7-13 and 14, Mitigation. Previous concerns have been raised about the ability of the Environmental Mitigation Trust to compensate for the loss of Desert Tortoises and associated habitat. The DEIS/EIR states that 85% of the money generated by the Trust (an estimated $6 million/year) will be used to purchase high quality habitat for special status species and that the remaining 15% will be used to research and monitor the effects of the landfill. See Page 4.7-14, General Protection Measures of the Proposed Action. The DEIS/EIR concludes that the Trust will help reduce the Project's impacts on Desert Tortoises to a level of insignificance, and that the Trust will have a significant beneficial impact on biodiversity. See Page 4.7-36, Biodiversity and Ecosystem Function. The FEIS/EIR should provide adequate support for these conclusions. The Trust will generate $6 million/year in those years in which the landfill operates at full capacity. According to the DEIS/EIR, the landfill will only reach full capacity after Year 25 (page 2-19.) Therefore, even under the best case scenario, the Trust will not generate $6 million/year until after Year 25. Also, there is no guarantee that high quality, continuous habitat will be available in the future to offset the Project's adverse impacts on Desert Tortoises. Estimates of the cost of land to be acquired must be adjusted for inflation. Finally, the description of the Trust in the DEIS/EIR differs from its description in the Biological Opinion. According to the Opinion, funds from the Trust can be used for a wide variety of purposes, including the purchase of lands to protect cultural or scenic resources. While such objectives are important, they do not necessarily offset adverse impacts to Desert Tortoises and other sensitive species. The FEIS/EIR should be modified to include these considerations.

conducted by Divine and Douglas (1996). Thus, these two statements do not contradict each other. See Appendix M.

Response to Comment 1-112

The EIS/EIR analysis concludes that the measures included in the CDFG Section 2081 agreement, and the land exchange and the Environmental Mitigation Trust, which are detailed on pages 4.7-13 and 14 of the Draft EIS/EIR, constitute Project benefits to biological resources. No change is determined to be necessary.

Response to Comment 1-113

This mitigation measure is intended to assist in acquiring habitat in the desert for a wide range of species, not just desert tortoise. The tortoise habitat that is being taken is being mitigated by the acquisition of additional desert tortoise habitat at a ratio of 2.5 to 1.0 (400 acres). In addition, the sensitive lands acquired in the land exchange by the BLM will be set aside and are considered sensitive habitat. The net result is that well over 10 times the habitat taken by the Project will be acquired and set aside for protection by the BLM. As the landfill reaches capacity, the annual contribution to the Trust will grow. It is true that the initial amount will likely be only about $1 million per year, but the initial impacts will be less also, because there will be only one train per day in the first few years of landfill operation. Section 2.1.4.1 (Table 2-1) of the Draft EIS/EIR shows that for years 1 through 4 of landfill operation, an average of one train per day would arrive at and depart from the Project site. USFWS also issued, and later reconfirmed, a No Jeopardy opinion with respect to the Desert tortoise. The funds in the Trust will be used to acquire a wide variety of lands that have cultural or scenic value. These lands could include a wide range of multi-species habitat. Please see also General Response 6. The NPS and Kaiser/MRC have entered into an agreement (Appendix T), wherein NPS stated that the Final EIS/EIR, taking the responses to NPS comments into account, is a complete analysis of the potential impacts of the Project in accordance with NEPA and CEQA. This Agreement provides funding to the National Park Foundation, which could be used for purchase of lands. See the Final EIS/EIR, Volume I, Section 3 and Appendix T. This Agreement does not alter the analyses or conclusions of the EIS/EIR.

114. Pages 4.7-13 to 30, Mitigation. The following mitigation measures must be included in order to lessen impacts to the resources of Joshua Tree National Park.

1. The Park shall notify the project proponent of any adverse findings, and both parties shall meet to discuss and confirm the findings. In the event of a dispute as to the nature of the findings, both parties agree to convene a panel of scientists to determine the validity of the Park's findings.

2. The project proponent and the Park will agree on actions necessary to remedy the problems identified by the Park's findings. In the absence of an agreement, both parties agree to convene a panel of scientists to mediate the issue. Expenses incurred in this dispute resolution shall be borne by the project proponent.

3. If the project proponent fails to remedy a problem within an agreed-upon time period, operations will be discontinued or modified to remedy the problem. The NPS may attach the performance bond and/or the equivalent financial surety as necessary, to correct and/or implement the remedy.

4. The project proponent will work with the NPS to provide for permanent study plots and long term ecological monitoring in the park.

5. The project proponent will work with the NPS to establish a long-term ecological research station that is administered and staffed by park and university personnel.

6. The project proponent will work with the NPS to provide for a facility to house and support science necessary to monitor ecological changes to the region.

7. The project proponent will work with the NPS to provide equipment to support the above referenced work of park and science personnel.

115. Page 4.7-14, Mitigation, First Paragraph. The DEIS/EIR states that MRC will provide BLM with 375 acres of Desert Tortoise habitat in return for destroying 150 acres of Tortoise habitat. The DEIS/EIR states that the lands to be given to BLM are "high quality habitat" and that they constitute a "significant beneficial impact of the proposed Project." See page 4.7-14. However, the DEIS/EIR does not describe the mitigation lands, does not provide a comprehensive map of their locations, does not explain Tortoise densities within those areas, and does not say how BLM will manage those lands. As stated in NPS's previous comments, information about these issues is necessary in order to assess whether or not the mitigation lands will offset the loss of 150 acres of Tortoise habitat. In addition, the Biological Opinion states that the mitigation lands are located along the Eagle Mountain railroad. Because of the admitted potential for rail traffic to kill, harm or harass the tortoises (4.7-21 to 26), the value of such mitigation lands must be substantiated.

Response to Comment 1-114

The mitigation measures identified in the comment have been incorporated in the Agreement between MRC/Kaiser and the NPS (Appendix T of the Final EIS/EIR).

Response to Comment 1-115

Please see General Responses 4 and 6. It should be noted that 400 acres of desert tortoise habitat are currently proposed to be acquired. The location of the 400 acres will be determined by the BLM.

116. Page 4.7-19, Specific Mitigation Measures-Common Chuckwalla. Chuckwalla mitigation addresses only direct effects and ignores the possibility that yet unknown factors are actually causing the animals' decline. If there are citations supporting the decision to select smaller individuals for relocation, they should be provided here.

The DEIS/EIR states that mitigation measures for the Chuckwalla are not required under NEPA because the species is no longer a Candidate 2 species under the Endangered Species Act (ESA). Under NEPA, an EIS must include mitigation measures to reduce adverse impacts. See 40 C.F.R. Sections 1502.16(h) and 1508.20. (CEQ's Forty Questions guidance also addresses this issue.) The fact that a species is not listed under the ESA does not release the proponent from developing appropriate mitigation measures. Therefore, the FEIS/EIR must include a discussion of mitigation measures designed to reduce adverse impacts to this species.

In our previous comments, the NPS raised questions about the ability to successfully translocate Chuckwallas based on information provided in the ARD-EIS/EIR. There was no supporting information indicating that such translocation could be successful. The DEIS/EIR has been revised to state that, based on conversations with the FWS, "translocation of certain individuals could be successfully conducted." See 4.7-19. Given the fact that the Project could cause the loss of anywhere from 156 to 4,982 Chuckwallas, an estimate should be made of the likelihood of success of such relocation. The FEIS/EIR should provide some estimate or quantify the effectiveness of this mitigation measure so that the significance of this impact can be assessed.

117. Page 4.7-23, Significance After Mitigation-Desert Tortoise, Next-to Last Paragraph. The long-term Tortoise monitoring protocol must involve NPS and NBS as well as FWS and BLM.

118. Page 4.7-27, Significance After Mitigation-Desert Tortoise. Insert the following between first and second bullets on page: "The number of waste containers waiting in the staging areas will be kept at a minimum and monitoring will be conducted to ensure that animal access to the on-site containers waiting to be placed in the landfill will be minimized."

Response to Comment 1-116

Mitigation proposed for chuckwallas that involves translocating individuals has been used successfully by the USFWS and, therefore, is not experimental. It should be noted that loss of chuckwalla habitat would occur over the 100-year life of the Project rather than all at one time. Thus, fewer individuals would be translocated at once, which would likely improve the rate of successful translocation by reducing interference with population social structure. With respect to paragraph 2 of the comment, the comment's characterization of Draft EIS/EIR is incorrect. The Draft EIS/EIR states that because the chuckwalla is no longer considered a category 2 species, mitigation for loss of habitat is no longer required. Nonetheless, the Draft EIS/EIR does recommend mitigation measures. Additional mitigation in the form of acquisition of prime chuckwalla habitat on the Chuckwalla Bench using the Environmental Mitigation Trust is included in the Draft EIS/EIR on page 4.7-20. The NPS and Kaiser/MRC have entered into an agreement (Appendix T), wherein NPS stated that the Final EIS/EIR, taking the responses to NPS comments into account, is a complete analysis of the potential impacts of the Project in accordance with NEPA and CEQA. Also see General Response 6 regarding the high level of protection for species that do not require protection under the Endangered Species Act.

Response to Comment 1-117

NPS should be involved in long-term tortoise monitoring protocol, but it has been determined that it is not necessary for the Biological Resources Division of the U.S. Geological Survey (formerly the National Biological Service) to be involved. Although the value that the Biological Resource Division brings to the process of preparing this EIS/EIR is acknowledged, both as a participant at resource agency scoping meetings and as a technical resource, NBS's expertise is best used in an advisory and research capacity, and not in a regulatory oversight capacity.

Response to Comment 1-118

This contractual obligation is included in the NPS Agreement with Kaiser/MRC (see Appendix T); it does not change the analysis or conclusions of the EIS/EIR.

119. Page 4.7-29, Significance After Mitigation-Bats. "Extending the adit" does not adequately explain how this feature at the bottom of the pit will be kept usable as the mountain of trash piles up around it. A statement regarding the projected fate of the bats is needed here.

120. Page 4.7-29, Significance After Mitigation-Bighorn Sheep (Sheep guzzlers). The DEIS/EIR fails to address whether the locations of new sources will attract Sheep away from existing water sources already within Joshua Tree National Park's boundaries. Areas within Joshua Tree National Park would not be appropriate for new guzzler placement due to wilderness designation and access limitations. Moreover we see the potential for poaching and other unwanted human attention created by placing new guzzlers just outside the NPS boundaries. Any proposals with regard to new sheep guzzler placements (including those outside of Park boundaries) should first be worked out with the Park.

The NPS requests the following be inserted in this section in the FEIS/EIR for Bighorn Sheep mitigation for water sources lost due to project impacts:

> The project proponent will install new water sources in locations outside the Park to replace impacted water sources within the Project area that bighorn sheep now use. The project proponent will not place such water sources in locations that tend to attract sheep away from water sources in the Park.

121. Page 4.7-31 Analysis of Effective Desert Tortoise Mitigation Measures. This analysis is flawed due to the fact that it: a) examines short range projects in nearly every case and does not include any discussion of long-term ecological effects; b) concentrates on direct mortality and does not address indirect effects to special species caused by subtle long-term effects; c) does not consider that reasons for declines are actually unknown; and d) does not address ecosystem or food chain problems, particularly those which are long-term and/or subtle. Inclusion of these items in the analysis would more directly address the effectiveness of mitigation measures.

Response to Comment 1-119

Please see General Response 6 and Response to Comment 1-8 regarding this species. Extending the Kaiser Eagle Mountain Mine adit is not now recommended by CDFG. Instead, the Black Eagle Mountain Mine adit will be reopened and gated using a design approved by the CDFG. The use of the Black Eagle Mountain Mine as an additional adit will be monitored, and if necessary, an additional adit will be created.

Response to Comment 1-120

Refer to Response 8-7 and General Response 6. Any new water sources will be recommended by Dr. Charles Douglas after consultation with the JTNP, CDFG, and MRC. CDFG will approve the locations outside JTNP. MRC will fund the development. The study-group agencies will specify these locations based on low potential for parking and human interaction. For that reason, the recommended language need not be added to the EIS/EIR.

Response to Comment 1-121

(a) This comment is not correct. The Draft EIS/EIR includes all available federal biological opinions that have been written for tortoises, excluding those that addressed cattle/sheep grazing or off highway vehicle events; all others that could be obtained are included in the analysis. As such, the analysis in Appendix G of the Draft EIS/EIR and summarized in Section 4.7.3.4 includes both permanent and large-scale impacts, similar to those that would result from the Eagle Mountain Project: 5,860-acre Mesquite Gold Mine (cyanide leach extraction) in Imperial Co. (all examples are from California); 793-acre Castle Mountain Mine (Viceroy Mine) in San Bernardino Co.; 560-acre Borax Mine in Kern Co.; realignment of Highway 58 through ± 20 miles of critical habitat near Kramer Junction; 1,877 acres affected by transmission line between Meade, Nevada and Adelanto, California; 545-acre Harper Dry Lake LUZ Solar Electric Generating Systems; 640-acre residential area at Edwards Air Force Base; 600-acre workplace in San Bernardino County, 1,709-acre facilities at Edwards Air Force Base; 617-mile long Four Corners Crude Oil Pipeline; 2,573-acre Mojave-Kern Pipeline; etc. There are also programmatic biological opinions covering 1,004 square miles at Fort Irwin; 65,000 acres in the Rand Mountain-Fremont Valley area; 1,095,680 acres at China Lake Naval Weapons Station;

93,400 acres at Edwards Air Force Base; 31,000 acres at Rainbow Basin Natural Area. The Rail Cycle/Bolo Station landfill's biological opinion addresses similar landfill impacts on that 4,800-acre site; another biological opinion authorized a 6,800-acre hazardous waste repository in Hidden Valley, San Bernardino Co. For each of these projects, the USFWS has required the exact or similar mitigation measures as those required for Eagle Mountain.

The above list demonstrates that the analysis includes projects that are larger than the Eagle Mountain Project and of an equally permanent nature. The above list does not include the 140 projects authorized in Nevada, including the 1,465-acre Silver State Disposal Site (landfill) near Las Vegas, Nevada. The USFWS drafted its biological opinions for each of these projects because tortoises were known to occur in the area and the project "may affect" them. In each of these cases, both same and different mitigation measures required for the Eagle Mountain Project are given.

Note also that the mortality take limits are not all construction-based; many of the mortality limits are based on "the life of the project," which, for pipeline maintenance for example, is into the foreseeable future. Take limits are commonly given for construction-related and maintenance-related deaths. Therefore, the analysis includes all harassment and mortality limits both during and following construction (i.e., during maintenance and monitoring activities). The NPS and Kaiser/MRC have entered into an agreement (Appendix T), wherein NPS stated that the Final EIS/EIR, taking the responses to NPS comments into account, is a complete analysis of the potential impacts of the Project in accordance with NEPA and CEQA.

(b) In reviewing the 234 opinions, the potential for long-term effects were analyzed and effectiveness of measures evaluated. The data to date do not suggest that these measures will not be effective in the long-term. This measures will continue to be monitored in the long-term with funds from the Environmental Mitigation Trust.

Eagle Mountain's biological opinion, and those for other projects require monitoring and reporting during maintenance activities, but do not consider, for example, the likely impact of a new transmission line and new access roads that open vast areas of the desert to new impacts by off-highway vehicles. The analysis in the Draft EIS/EIR reviewed the available record,

122. Page 4.7-35 Significance After Mitigation, Coachella Valley Fringe-toed Lizard, Second Paragraph. The prices of land in the project/rail line area vary greatly from the land prices identified in this paragraph. What is the reason for including these numbers in the text? Also, $6 million for conservation per year may be correct but is not indexed against inflation as is the other money designated for the County. Is there a way to change the conservation fund to be indexed in the same manner as other fee payments? Note that these fees are to provide funds to monitor/mitigate projects impacts at sites other than Joshua Tree National Park.

and demonstrated that tortoises are protected by terms and conditions given in 171 biological opinions.

(c) Some reasons for decline are all too apparent, while others are unknown. Studies have demonstrated that tortoises have disappeared from geographical regions, such as Lancaster, Victorville, and Lucerne Valley, primarily due to urbanization and agriculture. Lands that once supported tortoises now support houses and alfalfa. Dr. Berry has demonstrated a 90 percent decrease in tortoise numbers at the Desert Tortoise Natural Area in Kern Co., California, likely due to upper respiratory tortoise disease (URTD). She continues to study the effects of heavy metals on tortoise disease and mortality, particularly in the East Mojave and Chuckwalla Bench. In recent field investigations conducted by the Biological Resources Division of the U.S. Geological Survey, it has been demonstrated that Desert tortoise habitat has been created by certain development projects.

(d) Ecosystem impacts, including those that address the food chain are discussed in Sections 3.7.4 and 4.7.4 of the Draft EIS/EIR. Also see General Response 6. Ecosystem and food chain issues associated with tortoise decline are not reported in the literature reviewed for this and other projects. There is a continuing opportunity, with monitoring, to modify measures and apply new ones as biotechnology advances. In this sense, monitoring is a necessary part of mitigation.

The Draft EIS/EIR's analysis considers impacts that have been studied by biological monitors, agency personnel, and scientists, and reports the results of those studies. The study shows that the mitigation measures required for tortoises have thus far minimized mortality. On the basis of the best data available, of the 1,096 tortoises that could have been taken, only 59 were taken. Moving 1,455 tortoises out of harm's way can be readily reported because the information is available and is clear evidence that mitigation measures reduce impacts to tortoises. The analysis is not flawed, but *is* limited to the extent that information is available to consider long-term effects.

Response to Comment 1-122

The land prices have been included to give the reader some sense of the land values. The Trust fees have been developed based on the life of the Project. Funds may be used for sites other than JTNP. The draft Trust

123. Page 4.7-36 and 37. Biodiversity and Ecosystem Function. This section states the "Acquisition of high quality habitat is a beneficial effect protecting the biodiversity and ecosystem function in the region of the Project." The much of the highest quality habitat is already in Joshua Tree National Park. The FEIS/EIR should note that the DEIS/EIR section on "Eutrophication and Nitrate Deposition" does not accurately reflect our concerns. The issue is eutrophication not atmospheric nitrate deposition. See attachment 1.

124. Page 4.10-47, Recreational Resources, Joshua Tree National Park, First Paragraph. We do not agree that "The proposed project would not directly or indirectly result in degradation or loss of recreational opportunities within Joshua Tree National Park." The wilderness recreational experience may be impacted in the Pinto Basin and in the area mountains bordering the Project area. While this area of the park will be managed to preserve its present character, the potential does exist for impacts, in spite of the best efforts at mitigation. As a result, the FEIS/EIR needs to recognize such potential for impacts on recreation users who may then be displaced from the area and seek wilderness experience elsewhere in the park or in another area.

(Appendix U) has been modified to include an index against inflation. Please see General Response 6, which describes how acquisitions made with the fund will be selected.

Response to Comment 1-123

The Environmental Mitigation Trust fund will be used to acquire key high-quality habitat, including private in-holdings within JTNP, as well as lands in other areas of the Southern California desert. By helping to protect additional high-quality habitat, the acquisitions made with the fund will benefit the biodiversity and ecosystem function in the region of JTNP. During scoping, the NPS air specialists in the NPS Denver, Colorado office specifically raised the topic of atmospheric nitrate deposition, as well as "eutrophication" through the addition of nutrients resulting from increased predators. Both of these topics are addressed in the Draft EIS/EIR and in these comment responses. Please also see General Responses 3 and 6. The NPS and Kaiser/MRC have entered into an agreement (Appendix T), wherein NPS stated that the Final EIS/EIR, taking the responses to NPS comments into account, is a complete analysis of the potential impacts of the Project in accordance with NEPA and CEQA.

Response to Comment 1-124

The Draft EIS/EIR discusses the potential of the proposed Project to adversely affect the "wilderness recreational experience" in several sections, including Section 4.4 (Air Quality), Section 4.10 (Visual and Recreation), Section 4.11 (Wilderness), and Section 4.13 (Noise). While acknowledging and evaluating this potential, however, the Draft EIS/EIR notes that the quality of the "wilderness experience" depends on individual personal assessments that reflect varying degrees of sensitivity to particular impacts in a wilderness setting and, as such, is not readily quantifiable. In this light, the Draft EIS/EIR concurs with the JTNP General Management Plan, which states on page 183 that impacts on visitor use and experiences "...are difficult to quantify, as they would result in qualitative changes to the visitors' experiences or activities rather than a quantitative change." Please see also General Response 3.

125. Page 4.10-47 Recreational Resources Joshua Tree National Park, Third Paragraph. This information regarding Joshua Tree National Park visitor use does not reflect wilderness visitation at Joshua Tree National Park. The sentence in the middle of the page, beginning "Although the areas of Joshua Tree National Park in the immediate vicinity of the Project could be visited..." suggests that wilderness use is simply a speculative possibility, rather than a legitimate and longstanding park use. Similarly, the reference to the nearest designated visitor facilities being 20 miles away suggests there are no users closer than that who would be affected. This is not true. This section should address intrusions on the visual scene and increased haze caused by the proposal as well as other impacts to recreational resources at Joshua Tree National Park that may result from the proposed action.

126. Page 4.11-1 Wilderness, Third Paragraph, Last Sentence. We do not agree with the statement "the human response to identifying and evaluating the "wilderness experience" is not quantifiable or objectively measurable." Please see attachment 2 - VERP (Visitor Experience and Resource Protection) process DOI/NPS Special Report 2/14/93. A working example of this process can be found in the Arches National Park document titled "Visitor Experience and Resource Protection Implementation Plan."

Response to Comment 1-125

The importance and longstanding use of JTNP recreational resources is acknowledged throughout the Draft EIS/EIR, and the Draft EIS/EIR analysis does not state that we concur that remote wilderness visitation is a "speculative possibility" rather than a legitimate use." As noted in the Standards of Significance for Recreational Resources (Section 4.10.1.4), however, the intent of this section is to discuss and evaluate the potential for the proposed Project to result in a net loss of existing recreational opportunities or a displacement of recreational uses. In this context, and in the absence of any NPS-supplied data on current or historic visitor usage in remote areas of JTNP proximate to the Project site (e.g., Pinto Basin), the analysis focused on evaluating the potential impacts on known, specifically designated recreational facilities that might be displaced or affected by the Project.

Other visual-related potential impacts to recreational resources within JTNP are discussed in Sections 4.10.2 (Visual Resources), 4.10.3 (Windblown Debris, Visibility and Dust), and 4.10.4 (Nighttime Lighting).

Response to Comment 1-126

In the process of preparing the Administrative Draft EIS/EIR, NPS was consulted to provide input on: (1) defining the intangible aspects of the wilderness experience, and (2) developing criteria against which to assess these intangible, individual experiences with wilderness. At several meetings, NPS stated that a wilderness experience could mean different things to different people, and that standardized objective measures would not capture an individual's personal experience. To accommodate that concern, the Draft EIS/EIR recognizes that there is no meaningful quantitative way in which to measure the impacts to the wilderness experience of a collective population, particularly because it is conceivable that some of the individuals in that population could have an impact to their experience by just knowing that a particular project is proposed near to JTNP.

In discussions with the JTNP (July 21, 1995), JTNP staff stated that JTNP is using the VERP process to obtain the impressions of key user groups to prepare JTNP's Draft Backcountry Management Plan. On the basis of a review of information received from NPS (*Task Directive, Preparation of the*

JTNP Backcountry/Wilderness Management Plan, January 1995), the VERP process is described as a way in which to obtain information on visitor perceptions of park uses. After obtaining this baseline (existing condition) user data, the park manager applies "experience indicators" (i.e., "any standard used to help managers to determine whether or not a desired experience is being provided") and "impact indicators" (i.e., "any standards used to determine whether or not a desired state of resource protection is being provided") to define a "desired condition." A "desired condition" is "a condition defined by management." The NPS uses the VERP process to make internal park-specific management decisions about park use and management. Although these data were requested from JTNP, they are not yet available. In the absence of these park-specific data, the Draft EIS/EIR has relied upon existing visitor use data provided by the NPS. Because the VERP process focuses on interpretation of visitor use perceptions by park managers, the data generated by the process can be used only after a park manager interprets those data in the context of specific park-management objectives.

As part of the process of preparing the Draft EIS/EIR, NPS provided available visitor use data for JTNP that comprised the total annual number of visitors to JTNP since its designation as a monument in the late 1930s. According to the NPS (*Task Directive, Preparation of the JTNP Backcountry/Wilderness Management Plan*, January 1995), "At the present time, an insufficient database relating to the state of the resource, the location and extent of visitor use impacts and other visitor use/backcountry characteristics (number of uses, duration of stay, etc.)" exists. In the absence of these data generated by NPS, the EIS/EIR cannot incorporate the NPS's VERP data from the Backcountry Management Plan. If the additional visitor use data obtained by the NPS in the process of preparing the Backcountry Management Plan was available, the information would have been considered in the Draft EIS/EIR. In discussions with JTNP subsequent to the receipt of a similar comment on the Administrative Draft EIS/EIR (March 25, 1996), JTNP staff agreed that the VERP process is not an appropriate process to be used in assessing impacts for the EIS/EIR. The NPS and Kaiser/MRC have entered into an agreement (Appendix T), wherein NPS stated that the Final EIS/EIR, taking the responses to NPS comments into

127. Page 4.11-2 Standards of Significance. The NPS believes that different "thresholds for significance" for impacts to wilderness and non-wilderness as well as park and non-park lands need to be developed. Applying similar "thresholds' to dissimilar resources fails to account for the unique nature and importance (as well as legal status) of park and wilderness lands. The standards for significance thresholds for wilderness (page 4.11-3) provide an example of this deficiency in the case of windblown debris. In that case trash causes a much more jarring intrusion on and degradation of a wilderness area than for developed townsite lands.

128. Page 4.11-2 Standards of Significance-Wilderness, First Paragraph, Last Sentence. The document needs to be corrected to indicate that the nearest wilderness boundary coincides with the nearest park boundary at 1.5 miles to the north and west.

129. Page 4.11-3 Standards of Significance-Wilderness, First Full Paragraph. Please see comment 129, above. The VERP process can and should be used to evaluate impacts to visitor experience.

130. Page 4.11-5 Proposed Action Impacts. The second paragraph regarding the draft standards of significance suggests NPS concurs in the standards chosen and the approach taken by the DEIS/EIR. Although NPS was involved in the review of the draft standards for this document, the NPS disagrees with conclusions reached using these standards and request that this disagreement be documented in the FEIS/EIR.

account, is a complete analysis of the potential impacts of the Project in accordance with NEPA and CEQA.

Response to Comment 1-127

As noted in the response to the NPS's comments on the Draft Significance Standards (March 5, 1996), the significance criteria in the Eagle Mountain Landfill EIS/EIR have been developed using conservative assumptions for the resource areas addressed in the impacts section of the EIS/EIR. Although some of the significance standards address classes of resources differently (e.g., noise criteria for wilderness areas will be more stringent [i.e., lower] than for residential areas), the criteria for assessing impacts and the processes associated with those criteria are not applied differently for similar resources administered by the BLM, the NPS, or other land owners in the vicinity of the proposed Project. The standards of significance are equally applied to impacts at the proposed Project site and impacts in the vicinity of the proposed project, including lands administered by JTNP. Therefore, separate significance criteria are not applicable to JTNP. Impacts to JTNP, however, are addressed separately in each section (e.g., noise, air) and the wilderness impacts are discussed in a separate section of the EIS/EIR (Section 4.11) to consolidate the analysis of impacts. Please see also General Response 3. The NPS and Kaiser/MRC have entered into an agreement (Appendix T), wherein NPS stated that the Final EIS/EIR, taking the responses to NPS comments into account, is a complete analysis of the potential impacts of the Project in accordance with NEPA and CEQA.

Response to Comment 1-128

Comment acknowledged.

Response to Comment 1-129

Please refer to Response 1-127.

Response to Comment 1-130

The text in question states "During agency scoping meetings with the NPS for this EIS/EIR, potential statutes and other criteria for assessing potential impacts to wilderness areas were discussed. NPS received and reviewed draft standards of significance for use in this EIS/EIR, including standards for

131. Page 4.11-5 Nighttime Lighting, Third Paragraph. Please delete the sentence which begins "Visitor use in this area, however, is expected to be low, particularly at night because there is no vehicular access to Joshua Tree National Park and no visitor services (including drinking water), and campfires are prohibited." This statement does not accurately reflect the nature of visitor use or experience in a wilderness area. While visitation may be low in comparison to other park areas, the expectation of wilderness users could be impacted by impacts from reflected light. In addition, the physical resources themselves (night sky) will clearly be impacted.

Also delete last sentence in same paragraph. Additional lighting in an area with existing lighting has the potential to cumulatively impact the wilderness area 1.5 miles from the project boundary.

132. Page 4.11-6 Nighttime Lighting, Second Paragraph. Please delete the first sentence: "In the Pinto Basin, the Eagle Mountains would block views of the night sky above the Project site and additional skyglow attributable to the Project would not be noticeable from that area." We are not aware of analysis that would indicate that the Eagle Mountains would provide a blocking effect. If the statement contained in the document is not supported by existing research, it should be qualified or removed from the document.

133. Page 4.11-6 Nighttime Lighting, Third Paragraph. Please see comment #132, above.

134. Page 4.11-6 Visual Resources, Third Paragraph, Last Sentence. Delete sentence. The conclusion that the project site would not result in a significant visual impact is not supported by the analysis. The number of visitors impacted is not a significance threshold.

wilderness." This text does not suggest that NPS either agreed or disagreed with the selected significance criteria. NPS disagreement with the Draft EIS/EIR conclusions regarding wilderness impacts is acknowledged. The NPS and Kaiser/MRC have entered into an agreement (Appendix T), wherein NPS stated that the Final EIS/EIR, taking the responses to NPS comments into account, is a complete analysis of the potential impacts of the Project in accordance with NEPA and CEQA. Please refer to Response 1-127.

Response to Comment 1-131

Given the immediately preceding paragraph in the Draft EIS/EIR, which specifically notes NPS policies regarding the value placed on low intrusion of artificial light into the night scene, as well as the acknowledgment that unnatural light intrusion could have an impact on an individual's wilderness experience, the referenced sentence is accurate as stated within the context of the paragraph. The potential for nighttime lighting to result in a net cumulative impact is discussed in Section 5. Please see Appendix W of the Final EIS/EIR.

Response to Comment 1-132

In response to comments, field measurements and related analysis were conducted to quantify the skyglow impact (see Appendix W). The results verified that a small amount of additional skyglow would be visible directly adjacent to the Project site, but would not perceptibly increase from other areas of JTNP. Even though expected impacts are below the level of significance, additional measures will be taken to minimize lighting and thereby skyglow. Measures identified in the agreement between the applicant and NPS (Appendix T) will be incorporated into the Mitigation Monitoring and Reporting Plan.

Response to Comment 1-133

Please refer to Response 1-132.

Response to Comment 1-134

The Visual Impact Analysis (Section 4.10) indicates that the unmitigated project would have a significant impact to the visual resource classification (VRC) II area of the project site and views over the site toward the natural

135. Page 4.11-8 Visibility, First Paragraph, Third Sentence. We disagree with the conclusion that gas flares would not create a visual impact. See comments for Visibility in Section 4.4.

136. Page 4.11-8 Windblown Debris, Second Paragraph. The NPS guidance cited addresses human caused litter associated with camping or back-country recreational activity. It does not address the problem of windblown debris associated with industrial landfill activities. The language should be corrected or the reference and text deleted.

background mountains (see page 4.10-34, second paragraph). However, proposed mitigation measures that would modify the landfill final cover color to be more compatible with the surrounding natural landscape would reduce the Project impacts to a level below significance (see page 4.10-34, third paragraph). The number of visitors is a factor, among others, in determining visual impact significance, and was considered. Please see also General Response 3.

Response to Comment 1-135

NPS disagreement with the Draft EIS/EIR conclusions regarding visibility impacts is acknowledged. The NPS and Kaiser/MRC have entered into an agreement (Appendix T), wherein NPS stated that the Final EIS/EIR, taking the responses to NPS comments into account, is a complete analysis of the potential impacts of the Project in accordance with NEPA and CEQA.

Response to Comment 1-136

The EIS/EIR does not state that the NPS's guidance on litter is specific to landfills. The text in question is included to broaden the scope of what the EIS/EIR considers to be potential impacts to wilderness and to include windblown debris as a potential factor that could diminish a wilderness experience. The standards of significance include windblown debris as a criterion that could affect the enjoyment of wilderness.

The EIS/EIR states that "Although NPS guidance (NPS, 1991) does not specifically address windblown debris (i.e., litter) as an aesthetic issue, this EIS/EIR assesses the potential for litter in the JTNP wilderness areas to be an aesthetic impact to the wilderness experience." This inclusion provides more protective, rather than a less protective, criterion for assessing impacts to wilderness. In comparison, the NPS defines an aesthetic value as one that is "attributed by people to natural unmanipulated conditions and is perceived through the senses—by seeing, hearing, touching, smelling, and tasting" (NPS, Natural Resources Management Guidelines, 1991, Chapter 2, p. 204) but does not address litter as a potential impact to wilderness.

In scoping sessions, however, JTNP staff raised windblown trash as a concern and in its scoping Issues Identification Paper (June 1995), which outlines JTNP's concerns related to the proposed Project, states that

137. Page 4.11-8 Windblown Debris, Third Paragraph. Windblown trash is not merely an aesthetic blight or a visual impact. It is a distinct and severe hazard to wildlife and a possible source of nutrients and foodstuffs which may disrupt a fragile food chain.

138. Page 4.11-9 Noise, Fourth Paragraph, First Sentence. The DEIS/EIR indicates that noise levels were taken at the Joshua Tree National Park border. However, the fifth paragraph, first sentence, states "existing noise levels at the Joshua Tree National Park wilderness is...." As a result, it is not clear exactly where noise measurements were taken. The location or locations need to be specified in the FEIS/EIR.

139. Page 4.11-12 Mitigation, First Paragraph. Please refer to VERP process identified earlier and delete reference to "uniquely subjective" individual experience of solitude.

140. Page 4.11-12 Nighttime Lighting. The NPS requests that the FEIS/EIR specify the following mitigation measures for fugitive light impacts:

> All lights in the Project area will be shielded to protect the night sky from light pollution. The Project will also utilize low pressure sodium lights wherever color recognition for safety or work efficiency is not of concern. Mercury vapor lights will be used in working areas where color recognition is important. Any existing lights in the Project area will be retrofitted to conform to the above-stated guidelines.

141. Page 4.11-12 Visibility. This statement is inaccurate. See comments on visibility on page 4.4.11-13, Wilderness Experience.

"Presence of windblown litter is a concern. (See General Response 6.) Encountering trash in a wilderness area impacts not only the wildlife but also the aesthetic, therapeutic, spiritual, and nurturing experiences sought when visiting wilderness." In an effort to address NPS's expressed concerns that are not addressed by NPS's guidance, the EIS/EIR considers windblown debris from the proposed landfill as a potential aesthetic wilderness impact and, therefore, broadens the impacts assessment.

Response to Comment 1-137

Please refer to NPS Response 1-136 and General Response 6.

Response to Comment 1-138

The ambient noise measurements referred to in paragraph 4 on page 4.11-9 were taken near the JTNP boundary (monitoring point M8 or Figure 3.13-2). Ambient levels at the wilderness boundary, further south, are no greater than levels at monitoring point M8.

Response to Comment 1-139

Please refer to NPS Response 1-127.

Response to Comment 1-140

The Final EIS/EIR has included mitigation measures based on the additional night-time light analysis (see Response 1-132 and Appendix W).

Response to Comment 1-141

It is unclear what the comment is referring to regarding the statement that the information on page 4.11-12 of the Draft EIS/EIR for visibility is inaccurate. The NPS visibility comments on page 4.4.11-13 of the Draft EIS/EIR are a request for the Final EIS/EIR to include an analysis of the visibility impacts for the landfill gas flares. A detailed analysis of the visibility impacts for the landfill gas flares is included in the Draft EIS/EIR (Appendix E, Part 6) and considered to be below the level of significance with mitigation.

142. Page 4.11-13 Noise. The NPS requests that the FEIS/EIR add the following noise monitoring/mitigation measures to decrease project impacts to Joshua Tree National Park wilderness noise levels:

> The Project applicant will also contribute to the establishment and operation of an ambient noise monitoring program subject to review and approval of the NPS. It will also adopt new technology whenever feasible to reduce noise from operations to the maximum extent possible.

143. Page 4.11-13, Significance After Mitigation-Wilderness Resources, First Sentence. Night time lighting is a clear degradation of the wilderness experience. The existing condition therefore needs to be quantified, or else the FEIS/EIR should clearly state that the project will degrade the wilderness experience for the next 100 years. The NPS believes impacts will occur. To the extent that BLM disagrees, the NPS requests that the FEIS/EIR substantiate the no impact conclusion with data.

144. Page 4.11-13, Significance After Mitigation-Wilderness Resources, Third Paragraph. The NPS requests that the FEIS/EIR indicate impacts to visibility from coherent plumes generated from the gas flares. See comments from section 4.4 on visibility. The discussion of glare in this paragraph would be more appropriate in the section under visual resources.

145. Page 4.11-14, Significance After Mitigation-Wilderness Resources. While this section states the "Project applicant will be required to remove windblown debris from Joshua Tree National Park," the document does not explain how this process will be accomplished. The NPS requests that the FEIS/EIR add the following to this section: "The Project applicant will be required to remove any windblown debris from the Joshua Tree National Park according to procedures for remedial action agreed upon with NPS."

146. Page 4.11-14, Wilderness Experience. The DEIS/EIR continues to assert that "wilderness is a state of mind." Our comments on the ARD-EIS/EIR indicated that as managers of the lands potentially impacted, we believe that the Wilderness Act itself provides standards ("untrammeled, unimpaired") against which impacts are appropriately measured. Under the provisions of the regulations implementing NEPA, the context of actions must be taken in to account in determining the significance of impacts. Land status and classification is a relevant factor in this regard. Like wilderness classification, park status is in fact a legal designation, and not simply a state of mind. (Please see the previous comments on this issue in response to the ARD-EIS/EIR).

147. Page 4.11-14, No Action Alternative-Impacts. The statement that the nighttime "skyglow" from the correctional facility would continue to be seen for a distance of

Response to Comment 1-142

Pursuant to the Agreement between the NPS and the applicant (Appendix T), a noise monitoring program will be implemented. This contractual obligation does not change the analysis and conclusions of the EIS/EIR.

Response to Comment 1-143

See Response 1-132 and Volume I, Section 3 of the Final EIS/EIR; and Appendix W.

Response to Comment 1-144

Please refer to Response 1-182.

Response to Comment 1-145

The mitigation measures to keep litter from leaving the Project site are discussed in Sections 2, 4.10, and 4.11. These mitigation measures will reduce the impacts from litter to below a level of significance. The JTNP is approximately 1.5 miles from the Project boundary. Additionally MRC has committed to a zero tolerance policy. If litter is found in JTNP from the Project, removal will be done after approval of the method by JTNP.

Response to Comment 1-146

Please refer to Response to Comments 1-32, 1-62, 1-126, and 1-127.

The Wilderness Act is one appropriate standard for measuring potential impacts to the wilderness experience, as acknowledged in Section 4.11.1, Standards of Significance. In addition, as acknowledged on page 4.11-14 of the Draft EIS/EIR, "there may be a significant impact to the wilderness experience of some individuals remaining after mitigation." The commenter is referred to Section 4.5 for a discussion of potential Project-related impacts associated with surrounding land use classifications and Park status. Please also see General Response 3.

Response to Comment 1-147

The nightglow from the correctional facilities, the residential clusters, and the traffic in the Chuckwalla Valley can generally be seen to the south-east of the

30 miles, needs to have clarifying parameters indicating whether the skyglow is uniform in all directions for 30 miles and under what atmospheric conditions this takes place.

148. Page 5-37, Potential Cumulative Impacts. The DEIS/EIR states that in years 1-5 the only active project other than the town site rehabilitation would be actions by the NPS in Joshua Tree National Park. It seems highly unlikely that no plans for development of any kind within 40 miles exist other than a park revegetation project. Also, the DEIS/EIR cites the GMP as the source for this estimates indicating a doubling of visitation. However, the GMP merely states that visitation might increase to 3-4 million in 10-15 years. The GMP is more cautious and states that this will largely depend on demographic and sociological factors that are not readily predictable.

149. Page 5-44, Proposed Project and other Projects Within Its Vicinity, Joshua Tree National Park. As indicated above, visitor use figures used are estimates based on demographic and other factors. The text should indicate that the assumptions for analysis are based on "worst case" or "highest level of use."

150. Page 5-46, Proposed Project and Other Projects with Similar Characteristics and Environmental Impacts, First Paragraph, Last Sentence. The NPS disagrees with the assertion made in this paragraph that "It is reasonable to assume that regional emissions would be approximately constant, regardless of how many projects are built, even though temporary, regionalized localized emission increases conceivably could rise...." The NPS requests this statement be removed from the document or citations provided supporting it. Also, regional emissions may or may not be constant, but that does not mean they would not impact the existing air quality as indicated on page 1-42 where "Implementation of the Project is not anticipated to contribute any cumulative impacts other than those associated with degradation of Air Quality..." The NPS requests that our disagreement to this point be addressed in the FEIS/EIR.

Project site under most climatic conditions. Please also see Response 1-132 and Appendix W.

Response to Comment 1-148

As noted in Section 5.3, past, present, and reasonably foreseeable actions/projects that could, in concert with the proposed Project, contribute to cumulative impacts on the environment were identified by contacting appropriate local, state, and federal land management authorities within the Southern California region. The results of these contacts provided the basis for identifying those projects to be considered in the Cumulative Impacts analysis, including those expected to occur during years 1-5. In this light, only initial construction and operation of the proposed landfill, renovation of the Townsite, and actions identified by the NPS have been identified as reasonably likely to occur within the 1-5 year time frame within the relevant geographic area for the Project.

With regard to potential doubling of visitation at JTNP, the source for this information is the GMP. In the absence of firm, NPS-supplied data regarding projected future visitation levels, given the dependence on "demographic and sociological factors that are not readily predictable," (as noted in the Comment) the Draft EIS/EIR used a conservative approach to evaluating potential cumulative impacts of the proposed Project with regard to JTNP, rather than the "cautious" approach noted in the GMP. Additional information was requested from the NPS regarding vehicle traffic patterns in the JTNP, number of vehicles and vehicle ridership; however, no further data were available. The analysis in the Draft EIS/EIR was based on the best data available. Also, see Response to Comment 1-126.

Response to Comment 1-149

See Response to Comment 1-148.

Response to Comment 1-150

Local jurisdictional decisions regarding waste disposal will affect the distribution and apportionment of waste among the proposed regional landfill projects and, consequently, localized differences in subregional air quality impacts may occur along the transportation corridors to these landfills. Refer

151. Page 5-47, Biological Resources. This section mentions the possibility of the pumped storage facility adding to the biological impacts, but does not analyze, provide details, suggest research, or give any other treatment to this complex subject. This section has not adequately addressed the subject and is focused solely on a few listed species, e.g. cactus, tortoises. The FEIS/EIR should address the reasonably foreseeable synergistic impacts associated with this project.

152. Pages 6-2 and 3, Short-Term Environmental Goals and Effects. Even if the mitigation Trust provides high quality habitat there is still a potential for degradation of existing high quality habitat in the National Park. The DEIS/EIR addresses special status animals.....and no others. The incorrect reference to "atmospheric nitrate deposition" is referenced again in this discussion. The DEIS/EIR states that "the primary threats to biodiversity.... could affect biodiversity primarily as a result of loss of habitat, habitat fragmentation....etc." This paragraph references our concerns, but the DEIS/EIR only indicates that the purchase of other lands will mitigate the loss.

153. Page 6-3 Biological Resources, Fourth Paragraph. The paragraph on nitrate deposition is an inaccurate statement as to the concerns of Joshua Tree National Park. See Attachment #1.

to Appendix E of the Draft EIS/EIR. The NPS's disagreement is acknowledged, it does not, however, change conclusions or analysis regarding impacts. The NPS and Kaiser/MRC have entered into an agreement (Appendix T), wherein NPS stated that the Final EIS/EIR, taking the responses to NPS comments into account, is a complete analysis of the potential impacts of the Project in accordance with NEPA and CEQA. However, from a regional air basin perspective, emissions associated with this transport and disposal can be considered to accumulate on a constant per ton-mile basis.

Response to Comment 1-151

The lead agencies have considered this comment and determined that the cumulative impacts of the ECEC project with the proposed Project are adequately addressed in the EIS/EIR. Please see also General Responses 5 and 7.

Response to Comment 1-152

The potential for impacts is acknowledged, but the EIS/EIR concludes that acquisition of high-quality habitat and other mitigation measures specified in the EIS/EIR will reduce impacts to resources to below the level of significance (see General Response 6, and Response 1-116).

Response to Comment 1-153

Atmospheric nitrogen deposition is phenomenon that the JTNP staff identified as cause for concern in its Issues Paper submitted during the scoping process (June 1995). In response to JTNP's concerns, JTNP staff and other resource agencies were consulted to review issues raised by JTNP in its Issues Identification Paper. This definition of eutrophication and associated concerns was proposed by the NPS and, therefore, was discussed in this context in the Draft EIS/EIR in an effort to address the concerns of this agency. Additionally, eutrophication of various terrestrial and aquatic systems as a consequence of wet and dry nitrogen deposition from human sources is a well-known phenomenon that has received recent attention in a number of peer-reviewed ecological journals.

With respect to windblown litter, see General Response 3.

154. **Page 6-20, Results of Visibility Analysis. In addition, Section 6.4.7 Visibility Impacts of Alternatives, page 6-20, and its associated Table 6-6 on page 6-21, should also include the facts and summation line of the frequency of visible plume impacts to all observers with values of Delta-E greater than 2.0 being 47 and contrast values greater than 0.05 being 26 for the Reduced Waste Alternative. This needs to be corrected.**

155. **Page 7-1, Significant Irreversible Environmental Changes, First Sentence. In this case, the most significant environmental impact is to the surrounding area. This section in the FEIS/EIR must reference that the possibility exists for significant, irreversible environmental changes at Joshua Tree National Park.**

APPENDICES

156. **Appendix C-4, Appendix A - Work Plan for Ground-Water Sampling, Proposed Eagle Mountain Landfill, Page 1. This work plan is not referenced in Appendix C-4. The 'Ground-Water Investigation and Monitoring Summary Report' should state the relationship of this work plan to the monitoring program described in Section 6.**

With respect to potential eutrophication from potential increases in nutrients from landfill refuse, Project design and mitigation measures that will prevent access to refuse by various animals that might otherwise consume it will make the amounts of nutrient additions to the local ecosystem so small that these amounts are immeasurable and do not constitute a significant adverse impact on ecosystem function. Please see General Response 3.

Response to Comment 1-154

See Response 1-86.

Combined Visibility Impacts Eagle Mountain Landfill and Recycling Center Project		
Reduced Volume Alternative With Mitigation		
	Number	**% of Year***
Total Number of Instances Delta -E>2.0	47	0.09%
Total Number of Instances of Contrast >0.05	26	0.05%
*Number of instances divided by potential observations (i.e., 6 observers x 8,760 hours per year)		

Response to Comment 1-155

The Draft EIS/EIR analyses have identified no potential for the proposed Project to result in significant, irreversible environmental impacts to JTNP. Please see General Response 3 and the NPS Agreement (Appendix T).

Response to Comment 1-156

Appendix A of Appendix C-4 is referenced on page 35 of that document. Appendix A contains the sampling procedures that were followed to obtain the groundwater-quality data reported in Appendix C-4. Appendix A is not referenced in Section 6 of Appendix C-4 and has no relationship to that section.

157. Appendix C-4, Ground-Water Investigation and Monitoring Summary Report. Page 42. This report addresses aspects of groundwater monitoring under various water quality-related permit requirements. The program discussed in Section 6., 'GROUND-WATER MONITORING PROGRAM', should identify a monitoring program (including specific monitoring wells and spring sampling sites, sampling frequencies, and parameters to be measured) which would detect impacts to water quality and quantity. The DEIS/EIR should spell out, as part of any groundwater monitoring program and planned mitigation measures, exactly what procedures will be invoked if the monitoring program detects conditions that are contrary to the impacts (or verify the lack thereof) projected in the DEIS/EIR.

158. Appendix C-4, Page 54, Ground-Water Investigation and Monitoring Summary Report, Second Paragraph. The total number of monitoring wells identified in this discussion is 36. On page 2-57, Section 2.1.8.4 Groundwater, the total number of wells is given as 34.

159. Appendix E, Page 1-4 Air Quality Trends. NPS would like to add to the discussion the following: "the project site is surrounded by a classification of Severe 17 non-attainment for ozone".

160. Appendix E, Page 1-18 Table 1-9. PM10 Class I 24 hour increment is reached at 8ug/m3. Thus the landfill alone will consume the entire Class I increment. Please add this information in the description of Table 1-9 in section 1.4.4.

161. Appendix E, Page 1-21 Section 1.4.4.5 Prevention of Significant Deterioration (PSD) Appendix E. This section indicates that the proposed project is a minor source under the PSD Program. The NPS agrees with this statement. However, minor sources constructed after the minor source baseline date still consume PSD increment.

162. Appendix E, Page 1-26, Table 1-12. The information in this table implies that the proposed project would not violate the PSD Class II 24-hour PM-10 increment because its highest second-high concentration would be less than 30 micrograms per cubic meter (ug/m^3). The high 'second-high' concentrations should be numerically expressed in the table. The table should also show the amount of increment consumed by other sources to disclose the cumulative increment consumption. This is also true for the Class I increment consumption. Table 1-12, page 1-26, should include the high, and high second-high impact of the proposed project, along with the total Class I increment consumed.

Response to Comment 1-157

See Response 1-21(d) and (e).

Response to Comment 1-158

Comment acknowledged. The number of downgradient monitoring wells is incorrectly stated in Section 2.1.8.4 to be 25. The actual number currently proposed is 27, as stated in Section 4.1.2.1 (page 4.1-12) and Appendix C-4 (page 46). This correction does not alter the analyses or conclusions in the EIS/EIR.

Response to Comment 1-159

The comment is incorrect; the Project site is not surrounded by a Severe-17 nonattainment area for purposes of the NAAQS for ozone. As stated in the Draft EIS/EIR (Appendix E, Part 2), the area designated as Severe-17 nonattainment for the federal ozone standard is the portion of Riverside County that lies to the west of the western border of the JTNP, more than 30 miles from the Project site. The area surrounding the proposed Project is classified as an attainment area for all of the NAAQSs, including the standard for ozone.

Response to Comment 1-160

Comment acknowledged. Please see the Final EIS/EIR, Volume I, Section 6.

Response to Comment 1-161

Please see Response 1-89.

Response to Comment 1-162

The second-highest PM_{10} 24-hour average impact for the proposed Project with mitigation is 28.95 µg/m^3, which is below the PSD Class II increment of 30 µg/m^3. The highest PM_{10} PSD Class I impacts for the proposed Project are shown in the Draft EIS/EIR (Appendix E, Tables 6-7 and 6-8). Because the highest impacts are below the PSD Class I increment level, the second-highest PSD Class I PM_{10} impacts were not shown. As discussed in detail in the Draft EIS/EIR (Appendix E, Part 4.5), the proposed Project is a "minor source" for purposes of the PSD regulations and, as such, would not be

163. Appendix E, Page 1-27 Comparison of Alternatives. Same Comments as for Chapter 4 page 4.4-18, Comment 99.
Figures 4.4-1 through 4.4-5 Each alternative, except No Action, shows significant increases in air pollution adjacent to Joshua Tree National Park Class I airshed which is contrary to the purpose of the PSD section of the Clean Air Act to protect Class I airsheds. The FEIS/EIR should illustrate the impact trade-offs between SCAB and the project site.

The discussions explaining pollutant increases in SCAB for the No Action alternative are confusing and should be re-written to include assumptions made to generate figures 4.4-1 through 4.4-5.

164. Appendix E, Page 1-28 Page is missing.

165. Appendix E, Page 1-34 Section 1.7.2 Regional Projects, Table 1-13. This table indicates that Joshua Tree National Park has PM-10 emissions that are 2,336 tons per year (TPY). The footnote indicates that this is based on the "maximum month of visitation." This is a misleading statement. It may overestimate the emissions from the park by an order of magnitude. This value should be based on a 12 month average and not the maximum month multiplied by 12.

166. Appendix E, Page 1-35 Cumulative Impacts Regional Projects.
This section should include a discussion of Class I area impacts associated with competing landfill proposals, such as coherent plume impacts, regional visibility, acid deposition, and toxic air pollutants. Models are available to address regional impacts.

167. Appendix E, Page 2-82 Section 2.5.4 Interbasin Transport. There appears to be an error in Figure 2-63. The dates in the maps use the year 1959, when it should be 1989.

regulated by the PSD program and would not be required to perform a Class I or II increment consumption analysis. Furthermore, since the PSD minor source PM_{10} baseline date has not been triggered in the project area, the proposed Project will not consume any of the PSD PM_{10} Class I or II increment.

Response to Comment 1-163

Please see the Response 1-98.

Response to Comment 1-164

The comment is noted. Page 1-28 of Appendix E of the Draft EIS/EIR has been included in Section 6 of the Final EIS/EIR (Volume I).

Response to Comment 1-165

The footnote cited in the comment is associated with daily emissions for the JTNP rather than annual emission levels. Annual emission levels for the JTNP were not based on the "maximum month of visitation" multiplied by 12. The annual emission estimates for the JTNP were derived from the annual increase in visitors estimated in the General Management Plan by the NPS. The average daily emissions (pounds per day) were based on the "maximum month of visitation" (Appendix E, Table 1-13, footnote 1). The purpose of using the maximum month of visitation to calculate the average daily emissions for JTNP was to provide an estimate of the typical daily emissions during the smog season. (See Section 5 of the EIS/EIR.)

Response to Comment 1-166

Due to the large distances between the proposed Project and the other regional landfills discussed in the Draft EIS/EIR, there are not expected to be any cumulative plume visibility, regional visibility impacts, acid deposition impacts, or toxic air pollutant impacts at the JTNP or any other Class I area. see Section 5 of the Draft EIS/EIR.

Response to Comment 1-167

There are no errors in the figure cited in the comment (i.e., Draft EIS/EIR, Appendix E, Figure 2-63). The reference used for the Figure 2-63 (October,

168. Appendix E, Page 2-91 SCAQMD NSR. NPS requests offsets resulting in a net air quality benefit in Riverside County and at Joshua Tree National Park to protect the Class I air quality related values at Joshua Tree National Park.

169. Appendix E, Page 2-93 SCAQMD Regulatory Requirements. SCAQMD's recently adopted visibility Rule 1303 should apply, which states a visible plume contrast of Delta E greater than 2 exceeds significance thresholds and permits will be denied until further mitigation.

170. Appendix E, Page 2-94 Rule 403 Fugitive Dust. A project must not cause or allow an exceedance of 50 ug/m3. The project exacerbates an existing PM10 non-attainment status. This project will result in more numerous exceedances of the State PM10 standard.

171. Appendix E, Page 2-96 Regulation XVII PSD. If a baseline date has been established for the project area, then PSD increments apply and the Class II increment is exceeded. Increment consumption from other nearby sources must be included in the baseline.

1989) includes figures that were developed based on wind data collected during 1959.

Response to Comment 1-168

Please see Response 1-91.

Response to Comment 1-169

SCAQMD Rule 1303 applies only to permitted units and not to many of the emission sources actually modeled in the Draft EIS/EIR. The comment's summary of the visibility analysis requirements of Rule 1303 is incorrect. Rule 1303 requires that a modeling analysis for visibility be performed if the net emission increase for a facility exceeds 15 tons per year of PM_{10} or 40 tons per year of nitrogen oxides (NOx), and the facility is within a range from 28 to 32 kilometers of a federal Class I Area (depends on the Class I area in question). The proposed Project meets this criteria. If a level 1 or 2 visibility screening analysis shows impacts greater than a Delta-E of 2.0 or a contrast of 0.05, the Executive Officer shall require a level 3 visibility analysis. For a level 3 visibility analysis, an appropriate background visual range and the most recent EPA guidelines for the PLUVUE II model must be used. There are no visibility impact limits in Rule 1303 for the level 3 visibility analysis. For a level 3 visibility analysis, Rule 1303 requires that the Executive Officer of the SCAQMD determine if there is an adverse visibility impact based on evidence provided by the Project applicant.

Response to Comment 1-170

The comment is not correct regarding the requirements of the South Coast Air Quality Management District Rule 403 as it applies to the exceedance of a 50 ug/m^3 level for PM_{10}. Rule 403 requires, regardless of the attainment status of the area or existing background levels, that actual PM_{10} impacts for a project not exceed 50 ug/m^3. Actual PM_{10} impacts are determined with simultaneous sampling of upwind and downwind ambient levels at a project site. As discussed in the Draft EIS/EIR (Appendix E, Part 4.5), the proposed Project will comply with all of the requirements of Rule 403.

Response to Comment 1-171

See Response 1-89.

172. Appendix E, Page 3-11, Table 3-6. This table should reference the PLUVUE II model as the recommended EPA model for a Level 3 refined visibility analysis. In addition, Table 3-6 should also reference the SCAQMD's recently adopted Rule 1303 perceptible plume impact levels of 2.0 for Delta-E and 0.05 for contrast.

173. Appendix E, Page 4-68, Section 4.8.2 Regional Visibility. This section describes visible plumes, not regional haze issues. This section should be rewritten in the FEIS/EIR.

174. Appendix E, Page 5-18 Conformity. NPS disagrees with the interpretation that because the project will result in a net reduction in emissions inside the non-attainment area (SCAB) it conforms. The area of the project site, SEDAB, will suffer large increases in emissions.

Response to Comment 1-172

The purpose of Table 3-6 in Appendix E of the Draft EIS/EIR is to present the measures of significance for visibility that are used for the proposed Project. The model used to analyze visibility impacts is identified in a separate section of the Draft EIS/EIR (Appendix E, Part 6). The only measure of significance contained in Rule 1303 of the SCAQMD is the requirement that a level 3 visibility analysis be conducted if a Delta-E of 2.0 or a contrast value of 0.05 is exceeded using screening methodologies. Please see Response 1-169.

Response to Comment 1-173

Please see Response 1-87.

Response to Comment 1-174

The proposed Project is not subject to a Clean Air Act conformity determination because there are no emission sources within a nonattainment or air quality maintenance area (see page 4-19 of Appendix E). As discussed in the Draft EIS/EIR (Appendix E, Part 4.5), Section 176 of the Clean Air Act requires federal agencies to ensure that their actions conform to the applicable State Implementation Plans for achieving the NAAQS. In determining whether BLM's actions in this case—namely, the approval of the land exchange and the two rights-of-way—require a conformity determination, it is necessary to apply the conformity regulations, which are codified at 40CFR Part 51. Based on those regulations, BLM has determined that a conformity determination is not required in this case.

According to the regulations, a conformity determination is needed for a federal action only if that action is taken in a nonattainment or maintenance areas. Because the Project is located in an attainment area, a conformity determination is not required for any BLM approvals associated with this Project. Also, the regulations provide that conformity determinations are not required for "[t]ransfers of ownership, interests, and titles in land, facilities, and real and personal properties regardless of the form or method of such transfer." The BLM approvals proposed for the Project (the land exchange rights-of-way) clearly fall into this category. As a result, even if the Project were located in a nonattainment or maintenance area, BLM would not need to

175. Appendix E, Page 6-1, Section 6.2 Regional Haze Analysis. This section describes the methodology used to calculate regional haze impacts. The text states that the "1 hour SO_2 average concentration" was used in the calculations, when in fact the 24-hour SO_2 concentration was used in the calculations. This needs to be corrected.

176. Appendix E, Page 6-12, Section 6.4.2 Site Location and Source Scenarios. The NPS disagrees with the statement that "...the plumes from these flares will contain no soot and should appear 'smokeless' to the casual observer." We believe the 'smokeless' statement may be misleading to the public and should be eliminated. The emission inventory states that there will be 147 TPY of PM-10 emissions and 231 TPY of nitrogen oxide (NO_x) emissions from the flares. The small particles of combustion will both absorb and scatter light. The NO_x emissions will react and form NO_2, a gas which appears brown in color to the casual observer.

177. Appendix E, Visibility Analysis, Second Paragraph. Delete reference to a smokeless plume, which may mislead readers into thinking there will be no visible plume.

178. Appendix E, Page 6-17, Last Paragraph. Delete the last part of the second sentence: "are also far from the heavily visited areas of Joshua Tree National Park and will see little traffic." The number of visitors is not relevant to the discussion of wilderness air quality impacts.

179. Appendix E, Page 6-20, First Paragraph. Delete justification 1, 2, and 3. The seventy-six exceedances of the threshold is very significant given the context of the occurrence. See comment 90.

make a conformity determination for the approval of the land exchange and rights-of-way.

Response to Comment 1-175

The regional haze analysis is based on 24-hour average SO_2, NOx, and PM_{10} impacts determined using the ISCST3 dispersion model (Appendix E, page 6-1).

Response to Comment 1-176

The reference to "smokeless plumes" is in regard to the lack of light-absorbing components that would be contained in the plumes from the proposed Project's landfill gas flares. The landfill gas flares burn methane and CO_2, which do not produce soot, or particles that can technically be called smoke particles (liquid or partially liquid suspension of soot or other dark, light-absorbing components). Like all enclosed landfill gas flares, the plumes from these units are essentially invisible to the naked eye at the stack exit, hence the term "smokeless."

Response to Comment 1-177

Please see Response 1-176.

Response to Comment 1-178

The context of the statement in the Draft EIS/EIR is that plume perceptibility and atmospheric discoloration could be detected on occasion by the most sensitive visitors (Appendix E, page 6-17). With regard to the location where these plume impacts could be observed, it is relevant that it is not in the most heavily visited areas of the JTNP. The number of visitors is one criterion for establishing impacts on visibility for the proposed Project. Also see Response 1-87.

Response to Comment 1-179

This section of the Draft EIS/EIR discusses the likelihood of a casual visitor being in a specific area of JTNP where there are no trails, during some of the 39 hours during the year when a slight discoloration in visibility might occur, and when the background visual range during these same hours would be

180. Appendix E, Page 6-26, Table 6-9. The "combined levels" reported are disturbing. NPS is concerned with adverse impacts from the cumulative effect of pollutants on park resources, which for visibility are significant, and for vegetation are unknown.

181. Appendix M, Mitigation Monitoring and Reporting Program, Groundwater
a Quality and Use, EIR/EIS Section 4.1, Table Pages 1-3. There is no information on monitoring for the effects of withdrawals due to project water use. Although
b the DEIS/EIR states that no significant impacts are likely to occur to springs or existing wells, a monitoring program designed to verify this conclusion should be included in the mitigation monitoring and reporting program. The mitigation monitoring program should address the effects of project-related ground water
c withdrawals, including the potential effects to the wells located at Pinto Wells. For monitoring the effects of project well pumping, groundwater monitoring points could be established sufficiently distant from existing wells so as to be able to detect the effects of pumping on existing wells in advance of any impact to these sources. The monitoring should be designed to detect potentially significant impacts to groundwater flowing toward existing wells and springs before significant impacts are detected in the sources themselves. Such an approach to monitoring project-related pumping would provide an early-warning system to protect existing rights from injury.

greater than the top 10 percent of background visual range over a given year. The probability of all these factors existing together would be extremely small. With regard to the context of occurrence, the 76 exceedances cited by the commenter represent the total exceedances from six different observation locations for both winter and summer conditions. It is not possible for a single visitor at a single observation location to observe all 76 exceedances. Also see Response 1-87.

Response to Comment 1-180

As discussed in the Draft EIS/EIR, with the exception of PM_{10}, the proposed Project's combined impacts on the JTNP are all less than the most stringent state or NAAQSs (Appendix E, Part 6.5.6). For PM_{10}, the only standard that is exceeded when Project impacts are combined with background levels is the 24-hour average standard. As discussed in this section of the Draft EIS/EIR, Project impacts alone are well below the most stringent 24-hour average PM_{10} air quality standards (i.e., less than 15 percent of the standard). The comment appears to link the worst-case ambient impacts with visibility impacts. This is not appropriate because the visibility impacts consist of specific optics calculations and are entirely different than the calculations used to determine maximum ambient concentration impacts.

Response to Comment 1-181

(a) See Response to Comment 1-21(b). The discharge from springs is not related to groundwater in the Chuckwalla aquifer where Project pumping will occur. Section 4.1.3.1 (page 4.1-31) of the Draft EIS/EIR states that: "Flows from these springs are determined by the amount of recharge to that portion (area) of the bedrock that feeds the springs." Monitoring, therefore, would not be able to identify cause and effect between project pumping and spring flow. Although there is no discharge from springs related to groundwater in the Chuckwalla aquifer when Project pumping will occur, the project applicant (MRC) has agreed to this request in its Agreement with the NPS (see Appendix T). This does not alter the analysis and conclusions of the EIS/EIR.

(b) See Response to Comment 1-21(b)

(c) See Response to Comment 1-81.

182. COMMENTS ON ISSUES FOUND IN BOTH THE MAIN BODY AND APPENDIX E OF THE DRAFT EIS/EIR

Modify Appendix E from comments below
Section 4.7.5 page 4-61
Section 6.4.6 pages 6-16/17
Section 6.4.7 page 6-20 and Table 6-6, page 6-21

A subject of repeated requested change in the text of the EIS/EIR regards the magnitude of plume Delta-E and contrast values which are perceptible to the casual observer. We disagree with the contention that the threshold levels of perceptible plumes (coherent plume impact) are a delta E value of 4.0 and a contrast value of 0.10. The User's Manual For The Plume Visibility Model, PLUVUE II, (Revised) EPA-454/B-92-008 October 1992, Section 2.1.6 states "Contrast with absolute values greater than 0.02 are generally perceptible" and "...for cases of plumes with diffuse edges, a just perceptible delta E threshold would be greater than one, perhaps two (EPA, 1992)." This document is available to the public on the EPA SCRAM bulletin board. The EPA defers to the Federal Land Managers (FLMs) as the experts in determining what levels of impact constitute a perceptible plume. The NPS, as the Federal Land Manager of oshua Tree National Park, has determined that a plume is perceptible when it has a delta E value of 2.0 or a contrast value of 0.05. The EPA by virtue of their PLUVUE II user's manual as well as the South Coast Air Quality Management District (SCAQMD) in their recently adopted Rule 1303 agree with these levels. Therefore, these values should be **incorporated throughout** the FEIS/EIR, and its appendices. The NPS also prefers that number of occurrences, not percent of the year, be used as the unit of measure for the frequency of visible plume impacts. This is consistent with current and past NPS policy. Therefore, we request that the authors make this change in the following Sections and pages of Appendix E: Section 4.7.5 Impacts on Joshua Tree National Park, page 4-61; Section 6.4.6 Results of Visibility Analysis, pages 6-16 and 6-17; Table 6-5, page 6-19; Section 6.4.7 Visibility Impacts of Alternatives, page 6-20; and Table 6-6, page 6-21.

Response to Comment 1-182

The Draft EIS/EIR does not state that the threshold value of perceptible plumes are a Delta-E of 4.0 and a contrast value of 0.10. Plume perceptibility is not necessarily a single absolute value because the perceptibility is dependent on many factors, including background visual range, background color, the angle of the viewer and the observer location in relationship to the source. As stated in the Draft EIS/EIR (Appendix E, Part 6.4.6), in the "Users Manual For the Plume Visibility Model, PLUVUE II," EPA suggests the range of Delta-E between 1 and 4 as the approximate threshold of plume perceptibility. Delta-Es above 4 (contrast of 0.10) were used as values that would be detected as a slight discoloration by most people (probability of 90 percent detection above Delta-E of 4 and high contrast, "EPA Workbook For Plume Visual Impact Screening and Analysis, (Revised)" 1992).

When a project as complex as the proposed Project is analyzed for visibility, a simple level 1 or level 2 analysis is not sufficient. Therefore, a more complex analysis, which addresses the full range of impacts and provides a distribution of impacts, taking into consideration all of the variables, is appropriate. Rule 1303 of the SCAQMD requires that a more complex level 3 analysis be performed if a screening level visibility analysis shows a Delta-E is 2.0 or greater or the contrast value is 0.05 or greater. A Delta-E of 2.0/contrast of 0.05 are not EPA-approved or SCAQMD-approved measures of significance for a level 3 visibility impact analysis. For example, SCAQMD Rule 1303 does not specify a Delta-E value of 2.0/contrast of 0.05 as limits not to be exceeded; rather, these values trigger the requirement for a level 3 analysis. A level 3 analysis requires the Executive Officer of the SCAQMD to determine whether there is an adverse impact based on the evidence provided by the project applicant. Consequently, the range of visibility perceptibility thresholds discussed in the Draft EIS/EIR (Table 4.4-7, Appendix E Part 6.4) are consistent with EPA guidelines and the requirements of SCAQMD Rule 1303 for a level 3 analysis and are an appropriate basis for evaluating the visibility impacts of the proposed Project. Please also see NPS Response 1-169.

Attachment 1

Joshua Tree National Park Concerns About Trash-Related "Eutrophication" at the Proposed Eagle Mountain Landfill

The Draft Environmental Impact Statement/Environmental Impact Report (DEIR/EIS) states (pages 4.7-34 and 6-3) that "the NPS has expressed concern about ... eutrophication...resulting from atmospheric nitrate deposition." The concern is not with nitrate deposition, but with nutrient addition to the food web originating from trash. These sections do not accurately reflect our understanding of eutrophication and the associated concerns for Joshua Tree National Park resources. The following discussion will clarify our concerns.

Human-Caused Eutrophication

The definition of eutrophication, "increased primary production," in the DEIR/EIS, is inaccurate. Derived from the field of limnology, eutrophication means "an addition of nutrients" and is derived from the Greek word "eutrophos" meaning "well-nourished." Our concern was the addition of trash to the desert constituting cultural "eutrophication."

In lakes and streams, the term refers to addition of a substance which would otherwise limit growth, typically phosphorus (found in wastes, foodstuffs, fertilizers, and some detergents) or nitrogen (as in agricultural run-off rich in fertilizer). Freed from the limit of this ingredient plants first, and then animals start using the food to grow and reproduce. Enormous numbers of living organisms (e.g., algae) quickly use up all the available oxygen required for metabolism (of both plants and animals). This causes the now-huge population to die. The dead bodies of these organisms now provide yet another wind-fall food source for yet another set of organisms, the decomposers and anaerobic bacteria. These organisms now grow enormously numerous creating the foul odors and putrid conditions associated with decay and anaerobic metabolism. Such is an example of "eutrophication" in a lake or stream.

Human-caused (anthropogenic or cultural) eutrophication has been affected lakes and streams since the 19th century when industry and commercial agriculture began to have far-reaching effects on natural ecosystems. It wasn't until pioneering work of D. Schindler and other limnologists in the early 1970's that the precise cause and sequence of events in human eutrophication was established. (Vallentyne 1974).

To the extent that a lake will be created by the proposed pumped storage facility at Eagle Mountain, lake eutrophication induced by nearby trash is possible but unlikely. But neither this aquatic example nor "airborne nitrate deposition" were the concerns intended by park staff when the term "eutrophication" was mentioned. Although the term "eutrophication" properly applies to aquatic

Response to Comment 1-183

See General Response 6.

systems, Joshua Tree National Park uses this term in a broad sense, referring to the large-scale addition of nutrients (i.e., landfill trash) to the desert ecosystem.

The Affected Environment

Joshua Tree National Park is considered one of the finest examples of preserved Mojave Desert and Colorado Desert ecosystems in existence today. The Joshua Tree desert is characterized by geographic, botanical, and wildlife diversity. With annual rainfall ranging from 4-12 inches and summer heat often reaching over 100 degrees Fahrenheit, both wildlife and vegetation must adapt to harsh conditions and short periods of suitable conditions for feeding, growth and reproduction. This is a fragile land with little soil development and sparse water.

Nutrient Addition

Human activities can disturb natural nutrient cycles. Just as a lake can be affected by the addition of small amounts of phosphorus, deserts can be affected by small amounts of water, trash, and other nutrients. Once changes are set in motion, subsequent related ecological effects may proliferate.

For example, ravens have long been residents of the California desert, but 30-40 years ago they were rare. Eugene Cardiff, until recently curator of the San Bernardino County Museum, relates that when he was young, a raven sighting in the desert was an occasion for a group to get together and go see it. Today ravens are everywhere in southern California and in great numbers except in Joshua Tree National Park (Camp et al. 1993). Research shows that ravens are attracted to roads, power lines, and other places where food is available such as landfills (Knight and Kawashima 1993). Huge increases in raven populations have now been documented with some known and probably many unknown impacts on the desert ecosystem.

Human presence is often characterized by an abundance of unguarded resources. Many species are noted for their ability to exploit desert resources. Such species include gulls, starlings, house sparrows, and Old World rats (Marsh and Howard 1969). There are hundreds of other such species if insects, nematodes and micro-organisms are included.

The proposed Eagle Mountain Landfill will bring 20,000 tons of trash to the desert each day for a century. This process will inevitably create additional sources of nutrition for animals. In the desert where resources are scarce, even small amounts of nutrients are highly attractive to animals and alter wildlife behavior.

The train tracks and roads will be sources of dead animals for scavengers, like ravens and coyotes. The tipping face and rail storage areas will be sources of food despite the best human efforts to keep them clean. The working landfill will be exploited by birds, mice and other small animals despite the daily cover placed on the garbage not being actively worked. Wind-blown trash is another source of human-introduced nutrient. Human activities associated with the town-site will

provide sources of food for animals similar to those produced in any other town or municipality.

Nutrients from the landfill may be transported physically by animals outside the fence perimeter or the nutrients may escape in the form of animals eaten by predators. Biologists view nutrients and even animals themselves in two different "currencies." Living things exist as "things" or as "energy" which are convertible from one to the other. "Things" may be regarded as "biomass" measured in grams or as "energy" measured in kilo-calories. Viewed this way, it doesn't matter whether a food item is removed from the landfill in its original state. Biologically, it is the same thing if the kilo-calories of energy in the food are eaten by a mouse and then those calories are passed to the body of a fox which eats the mouse. The issue here is the escape of food biomass or energy from the landfill site.

Measuring Food Chain Effects

In seeking to fulfill its mandated mission, Joshua Tree National Park seeks assurances based on data that resources within the park boundary will not be significantly impacted by this project.

In order to judge the potential for harm it will be necessary to obtain some idea of the magnitude of biological use of the landfill. At the very least, data must be obtained that address which species are able to exploit the nutrients, what will be the magnitude of their increase, and which additional species will be affected in turn. These data might be obtained through trapping studies at existing landfills, ideally at desert sites. Trapping should focus particularly on insects and rodents; the two most abundant groups of invertebrates and vertebrates respectively. Predator populations should be studied to determine density before and after the trash is available and to learn how their home ranges are affected by the trash resource. Study should include inventory of animal scats at a distance from the landfill in order to assess the transport of human materials in the bodies of prey animals. Ideally, radio-tracer studies should be used to follow the trophic fates of animals in the food web (Chang et al. 1984).

Studies should include baseline inventories at a similar place far removed from the landfill as a control. Such studies should use a "BACI" (Before After Control Impact) design (Stewart-Oaten 1993) to test the null hypothesis of no impact. A "BACI" study uses at least two areas of closely similar nature, one of which will be impacted, and the other which will not. The study should run for several years before impact starts in order to account for annual fluctuation (which can be surprisingly large in desert ecosystems). The study in this case would require that the tested impact be of a pilot nature. Armed with pilot study data, computer modeling might be used to forecast the affected system into a specified future.

Qualified ecologists with advanced knowledge of arid ecosystems should be consulted and involved in this data gathering. Ideally, the ecologist or ecologists should be associated with the National Science Foundation's Long Term

Ecological Research (LTER) program or otherwise distinguished in the area of arid ecosystems.

In Conclusion

The national parks are specifically mandated to "preserve and protect" park resources for the enjoyment of future generations (Title 16 US Code). Joshua Tree National Park is a desert ecosystem. Addition of water or nutrients will create a distinct degradation of those pristine values that make the desert ecosystem what it is. This creates a situation different from construction of a landfill in a municipal or multiple-use region.

Studies such as those above will help in determining whether ecological dynamics created at the landfill will result in changes to population densities, animal movements, ecological (i.e., inter-species) balances, and biomass availability in the food chain. These effects are not limited to the project footprint but affect the entire area including the national park lands immediately adjacent.

The National Park Service Organic Act of 1916 (16 USC § 1, 1976) provides that the Secretary of the Interior is under a statutory duty to:

> promote and regulate the use of the Federal areas known as national parks, monuments and reservations. hereinafter specified....by such means and measures to conform to the fundamental purpose of the said parks, monuments and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of same in such manner as will leave them unimpaired for the enjoyment of future generations.

In the following provision, known as the Redwood amendment of 1978 congress reasserted the statutory standards imposed upon the Secretary (Section 101 (b) of the Act of March 27, 1978. P.L. 95-250, 92 Stat. 166. codified at 16 USC § 1a-1):

> The first section of the Act of August 18, 1970 (84 Stat. 825), is amended by adding the following, "Congress further reaffirms, declares and directs that the promotion and regulation of various areas of the National Park System, as defined in section 2 of this Act, shall be consistent with found in the purpose of the Act of August 25, 1916, to the common benefit of all people of the United States.

The authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these areas have

been established, except as may have been or shall be directly and specifically provided by Congress.

Furthermore the California Desert Protection Act (16 USC 410 aaa-23) specifically expressed concern for national park values at risk and added lands immediately adjacent to the proposed landfill using the following language (Section 401 (3)):

> the monument boundaries as modified in 1950 and 1961 exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, archeological, paleontological, cultural, historical, and wilderness values;

Cultural eutrophication is a form of human input of energy and nutrients that has potential for affecting the long-term ecosystem function of Joshua Tree National Park. It would be irresponsible to ignore these long-term and subtle threats in the face of clear legal mandate to consider future public enjoyment and the need to preserve resources unimpaired for future generations.

Literature Cited

Camp, R.J., R.L. Knight, and J.E. Freilich 1993. Common raven populations in Joshua Tree National Monument, California. Western Birds 24: 198-199.

Chang, K., E.S.K. Chian, F.G. Pohland, W.H. Cross, L. Roland, and B. Kahn. 1984. Behavior of radio nuclides in sanitary landfills. Health Physics 46: 45-53.

Jaeger, E.C. 1965. The California Deserts. Stanford University Press, Stanford, CA. 208 p.

Knight, R.L. and J.Y. Kawashima. 1993. Responses of ravens and red-tailed hawk populations to linear right-of-ways. Journal of Wildlife Management 57: 266-271.

Mantell, M.A. and P.C. Metzger. 1990. The Organic Act and Stewardship of Resources within Park Boundaries. Chapter 2 In: M.A. Mantell 1990 (ed.), Managing National Park System Resources; A Handbook on Legal Duties, Opportunities, and Tools. The Conservation Foundation, Baltimore, MD. 270 p.

Marsh, R.E. and W.E. Howard. 1969. Evaluation of mestranol as a reproductive inhibitor of Norway rats in garbage dumps. Journal of Wildlife Management 33: 133-138.

Stewart-Oaten, A. 1993. Evidence and statistical summaries in environmental assessment. Trends in Ecology and Evolution 8: 156-158.

Vallentyne, J.R. 1974. The Algal Bowl: Lakes and Man. Miscellaneous Special Publication #22. Canadian Department of the Environment Fisheries and Marine Service. Ottawa. 186 p.

ATTACHMENT 2

VERP: A Process for Addressing Visitor Carrying Capacity
in the National Park System-Special Report

The National Park Service' Denver Service Center Working Draft Special Report of February 14, 1993 is attached to provide insight to measurement of the visitor's experience.

special report

denver service center
working draft
February 14, 1993

VERP
a process for addressing visitor carrying capacity in the national park system

UNITED STATES DEPARTMENT OF THE INTERIOR / NATIONAL PARK SERVICE

Response to Comment 1-184

See Response to Comments 1-126, 28-117, 28-124, and 28-125.

VISITOR EXPERIENCE AND RESOURCE PROTECTION (VERP) PROCESS

The National Park Service has gained considerable experience and expertise in managing diverse visitor activities along with natural and cultural resources to achieve both sides of its preservation-and-use mandate. However, the Park Service has not yet developed an effective process for dealing with the pervasive—and controversial—issue of carrying capacity, and this has left the agency vulnerable to criticism and lawsuits.

The concept of carrying capacity is intended to safeguard the quality, not only of park resources, but also of people's park experiences. People come to national parks to enjoy their heritage of natural and cultural treasures. By helping visitors participate in the kinds and levels of use compatible with the long-term preservation of the qualities that make parks special places, we can ensure that people will find the parks to be inspirational, educational, and recreational places for many generations to come. If carrying capacity is not applied aggressively, then the visitor experience is likely to change in unintended and, possibly, undesirable ways.

Lack of a systematic, rational and well-documented process for addressing carrying capacity causes misunderstanding, which in turn causes controversy. Park managers are often uncomfortable saying that their parks, or areas within their parks, are receiving inappropriate or excessive use, because they lack the conclusive data and the rationale they need to make these decisions or support these statements. Many visitors are resistant to proposals that would further restrict use. Concessioners also have a keen financial interest in carrying capacity determinations. We need a process that clearly demonstrates *why* we prescribe such potentially unpopular actions.

Coming from the opposite perspective, other concerned individuals both inside and outside the Park Service are demanding equally strong justification, based on sound resource and visitor data, for continuing to accommodate ever-increasing use of the parks. A major criticism of the recent proposal to increase the amount of lodging on the north rim of the

Grand Canyon, and the basis of a threatened lawsuit, is that the proposal is not based on a formal determination of the park's carrying capacity.

The National Park Service (NPS) is required by law to address the issue of carrying capacity in its general management plans. NPS management policies and planning guidelines acknowledge this responsibility.[1] However, there is little direction or even agreement on a methodology for preparing this component of the GMP. Indeed, there is no agencywide agreement on the meaning of the term carrying capacity.

The National Park Service is developing a process to help park planners and managers evaluate and make the increasingly complex and hard decisions about which kinds and levels of use are appropriate, where and when—and most importantly, why. The concept of carrying capacity, as it relates to visitor use of parks, is increasingly being interpreted, not so much as a prescription of numbers of people, but as a prescription of desired ecological and social conditions. Such prescriptions, coupled with a program of research and monitoring, can give park managers the information and the rationale they need to make sound decisions about visitor use, and to gain the public and agency support they need to implement those decisions.

The process described in this report will be tested in several parks. The process will evolve as it is tested, and the information gained will be documented at the end of the test phase.

[1]The 1978 General Authorities Act (PL 95-625) requires each GMP to include "identification of and implementation commitments for visitor carrying capacities for all areas of the unit." The NPS *Management Policies* state: "Each general management plan will include interrelated proposals for...visitor use,...carrying capacities, and park operations, along with a general indication of location, size, capacity, and function of physical developments" (p. 2:8).

DEFINITION OF CARRYING CAPACITY

Carrying capacity is a measure originally developed by range management specialists to determine the maximu sustainable use of a renewable natural resource by grazing animals. In 1978, when the General Authorities Act (PL 95-625) directed that each park's general management plan must includ "visitor carrying capacities for all areas," there was hope that this concept could be useful to park planning. Because of its origins, people often incorrectly equate carrying capacity with only setting limits on the number of people who can visit parks. Now, based on extensive research and management experience, the concept *as it applies to visitor use of parklands* has been significantly revised.[2] Visitor carrying capacity is now more appropriately defined as follows:

Carrying capacity is the type and level of visitor use that can be accommodated while sustaining the desired resource and social conditions that complement the purposes of the park units and their management objectives.

Inherent in this definition is the development of management objectives specifying appropriate resource and social conditions. Measures of the *appropriate conditions* replace the measurement of *maximum sustainable use.*

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[2]For a synthesis of this research, consult the following:

G. H. Stankey, D. N. Cole, R. C. Lucas, E. Peterson and S. S. Frisselli, *The Limits of Acceptable Change (LAC) System for Wilderness Planning* (US Department of Agriculture, Forest Service, General Technical Report INT-176, Ogden, UT).

F. R. Kruss, A. R. Graefe and J. J. Vaske, *Visitor Impact Management. Vol. 1 and 2* (National Parks and Conservation Association, Washington, DC, 1990).

Robert E. Manning, *Studies in Outdoor Recreation: Search and Research for Satisfaction* (Corvallis: Oregon State University Press, 1986).

U.S. Department of the Interior, National Park Service, "Social Carrying Capacity in the National Parks," by Robert E. Manning, University of Vermont, School of Natural Resources, Recreation Management Program, n.d.

Defined in this way visitor capacity may be influenced by value judgments about what is appropriate and by the type and intensity of management and development, as well as by variables of season, visitor location and behavior. Adjusting use levels to be compatible with these variables is more advantageous to visitor use management than establishing an absolute maximum level of use.

A carrying capacity analysis may or may not specify visitor numbers. So long as the appropriate resource and social conditions can be measured and maintained, counting visitors is of secondary importance.

To help clarify the definition of carrying capacity, it might be useful to discuss what carrying capacity is *not*: Carrying capacity is not the total number of visitors that a park can accommodate at one time. Although a total number might be derived, such an aggregate figure would mask potential problems at "hot spots" (specific areas of the park that were at or near capacity). Even for small parks, capacity usually needs to be addressed for discrete areas based on specific resource and social conditions (for example, a historic structure might have a different capacity than the outdoor space around it or an adjacent visitor contact station).

Neither is carrying capacity simply a measure of the present design capacity of existing facilities (for example, it is not the road or parking lot capacity). However, facility capacity may influence carrying capacity if management decides to freeze development as part of the desired resource and social conditions for an area.

INCORPORATING THE CONCEPT OF CARRYING CAPACITY INTO A VISITOR EXPERIENCE AND RESOURCE PROTECTION (VERP) PROCESS

This section outlines a proposed process for incorporating the concept of carrying capacity into visitor use planning and management. The specific tools and techniques incorporated into this process come from a variety of sources, including the methodologies created by the National Parks and Conservation Association and the U.S. Forest Service.[3]

A major premise of this VERP process is that the National Park Service should manage visitor use continuously, the same way it manages resources. Visitor use management begins with a plan, but this is only a starting point; it continues as an iterative process of monitoring, evaluation, and adjustment.

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[3]The recommended process is very similar to the process developed by the U.S. Forest Service to determine limits of acceptable change. Major steps in that process include

- specification of acceptable and achievable resource and social conditions, defined by a series of measurable parameters
- analysis of the relationship between existing conditions and those judged acceptable
- identification of management actions necessary to achieve these conditions
- a program of monitoring and evaluation of management effectiveness

It is also consistent with the process developed by the National Parks and Conservation Association and presented in their publication *Visitor Impact Management, Vol 2: The Planning Framework*. That publication states that

> most researchers and managers agree that the determination of visitor use management prescriptions requires two separate elements:
>
> The first involves a description of the relationships between specific conditions of use (e.g., types of use, site factors, amount of use) and the impacts associated with these conditions.
>
> The second component refers to an evaluative dimension which incorporates value judgements about the acceptability of various impacts.

Visitor use planning and management are directed as follows by NPS policy:

Each park will develop and implement visitor use management plans and take management actions, as appropriate, to ensure that recreational uses and activities within the park are consistent with its authorizing legislation or proclamation and are not carried out in derogation of the values and purposes for which the park was established. (*Management Policies*, p. 8:2)

The *Management Policies* allow flexibility in planning for visitor use management:

> Depending on local park needs and circumstances, these [visitor use management] plans may be prepared as coordinated activity-specific documents (river use plan, backcountry use plan, wilderness management plan, off-road vehicle use plan, winter use plan, etc.), as action plan components of a resource management plan or general management plan, or as a single integrated plan that addresses a broad spectrum of recreational activities. Regardless of the format or complexity, visitor use management plans will contain specific, measurable management objectives related to the activity or activities being addressed (p. 8:2).

The first critical steps in the proposed VERP process are requirements of general park planning, and ideally are included in statements for management and general management plans. However, because there has previously been no consistent approach to carrying capacity assessment and visitor use planning, many existing planning documents may not contain the necessary elements for implementing this process.

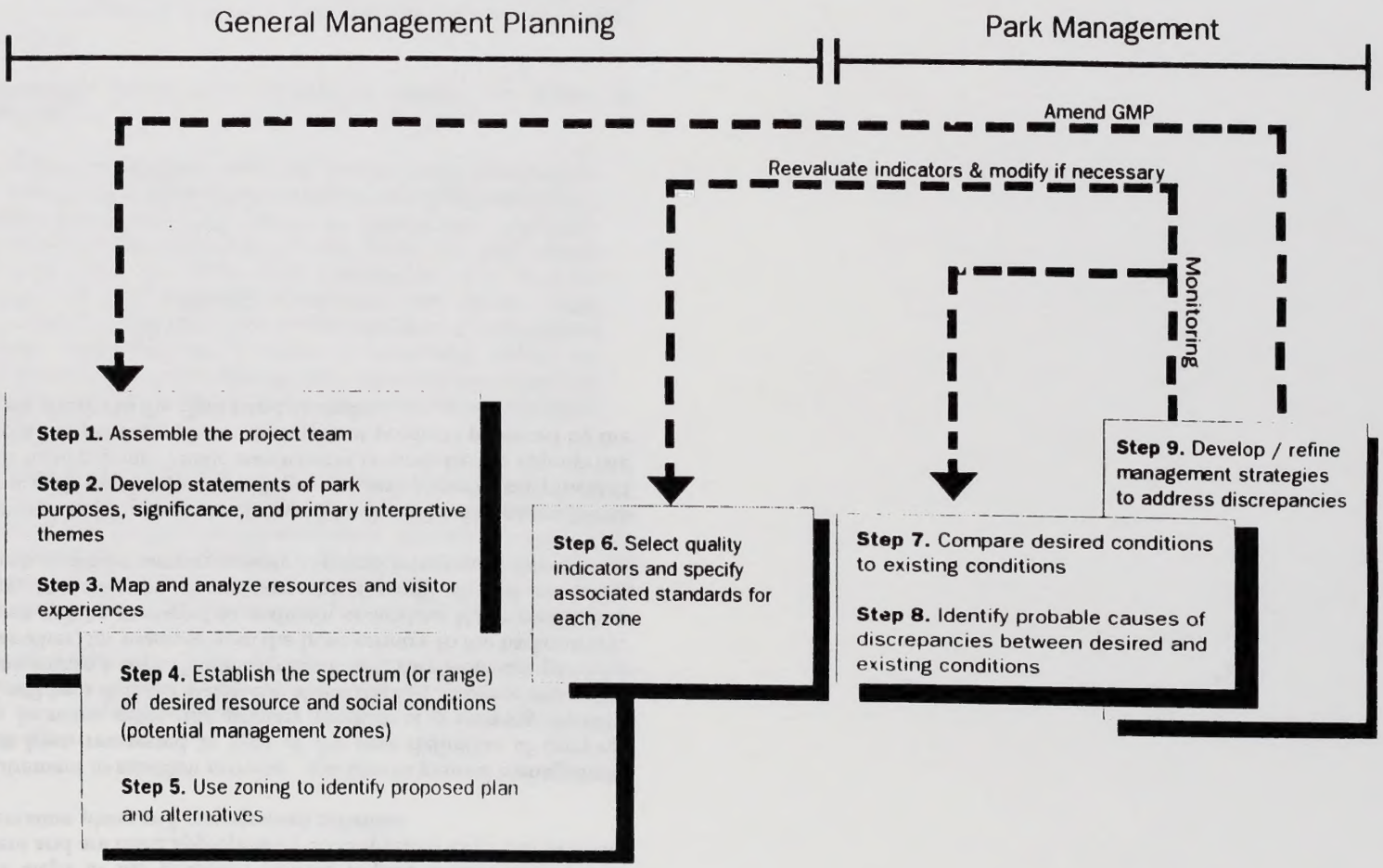
When dealing with older GMPs, this requires preparing a separate visitor use management plan or an amendment of the GMP. In some extreme cases, it may establish the need for a totally new general management planning effort.

The later steps in the proposed process require annual review and adjustment and are more appropriately accomplished as part of detailed implementation plans and management activities.

The requirement to establish carrying capacities in general management plans has been reassessed in light of the new definition of carrying capacity. In many cases, the primary product of a carrying capacity analysis will be a detailed statement of the desired resource and social conditions within a park. These conditions will vary from one part of a park to another, for example from the front country to the backcountry. Visitor use will be managed to maintain or achieve these conditions. Therefore, *this statement of conditions should satisfy all legal and policy requirements to address carrying capacity in general management plans.*

The proposed VERP process is discussed on the following pages. Notes about how each step integrates with general park planning are provided in the left-hand column. Public involvement is conducted as appropriate throughout the planning phase. Examples of products produced by the process are shown in the right-hand column.

Process for Addressing Visitor Experience and Resource Protection in the National Park System



Integration with General Park Planning

STEPS IN THE VISITOR EXPERIENCE AND RESOURCE PROTECTION PROCESS

Examples

Step 1. Assemble the Project Team

The project team may be the GMP team or a team specifically assembled to look at visitor use based on an existing GMP.

Planning for visitor use management is a complex challenge that should be accomplished by interdisciplinary teams of professionals with expertise in:

- developing a statement of park purpose and significance
- planning for visitor use (for example, preparing an interpretation plan)
- describing and measuring the impacts visitors have on resources
- conducting visitor use studies and modeling visitor use

Project leaders can contract for the necessary expertise or training if it is not available in house.

Park staff are critical to the success of planning and will be responsible for monitoring conditions and adjusting management strategies.

The project team might include:

- project manager
- superintendent
- natural resource specialist
- outdoor recreation planner
- public involvement specialist
- research scientist
- social scientist
- ranger
- cultural resources specialist
- interpreter
- landscape architect

Integration with General Park Planning

STEPS IN THE VISITOR EXPERIENCE AND RESOURCE PROTECTION PROCESS

Examples

Step 2. Develop Statements of Park Purposes, Significance, and Primary Interpretive Themes

Product: Clear statements of the above

The Park Service's *Planning Process Guideline* (NPS-2) requires park managers to define the park's purpose and significance and to develop parkwide management objectives as part of each park's *statement for management*. Most often these requirements of the statement for management are updated as part of the general management plan.

To be defensible, prescriptions for visitor use must be based on the legislated purpose of the park and the significance of its resources. This step clarifies the most basic assumptions and sets the foundation for planning. It is important that the planning team, including the superintendent, park staff, and representatives from the regional office, be involved in this discussion, because it will establish the groundwork, or assumptions, upon which the rest of the process will be based.

Park purposes are defined as the reasons for which the park was set aside. The purpose may be clearly spelled out in the area's authorizing legislation and/or legislative history, but often they are not. Clear, concise purpose statements can be used to define management priorities for the park. Purpose statements are important to planning because they are basic to all other assumptions about the park and the ways in which it should be used and managed.

The statement of park purposes might include:

- Protect extraordinary examples of eroded sandstone formations and the setting in which they occur.
- Provide opportunities for visitor appreciation and education that leave park resources unimpaired.

The **significance** of the park is summarized in statements that capture the essence of the park's importance to our natural and/or cultural heritage. Park significance is important in identifying resources management and interpretation priorities, and in defining the kinds of visitor experiences most appropriate to that park.

The statement of park significance might include:

- The park contains one of the largest concentrations of arches in the world.
- The park's numerous extraordinary geologic features are easily accessible, many of them by vehicle.
- Arches National Park preserves part of the Colorado Plateau ecosystems, which have unusual nutrient and energy cycles.

Integration with General Park Planning

STEPS IN THE VISITOR EXPERIENCE AND RESOURCE PROTECTION PROCESS

Primary interpretive themes are those ideas about park resources that are so important that we want every visitor to understand them. The list of primary themes does not include everything we may wish to interpret in the park, but should cover those ideas that are critical to a visitor's understanding of the park's significance. Identifying what visitors need to know in order to understand park significance will help define the kinds of experiences we need to offer and effective ways in which visitors may interact with park resources.

Examples

The statement of primary interpretive themes might include:

- Ongoing geological processes—deposition, uplift, collapse and erosion—create and destroy the features we see today.
- Organisms on the Colorado Plateau have evolved into cold desert ecosystems that depend heavily on micro-organisms in the soils; these soils are very sensitive to trampling and recover slowly.
- Protected areas are essential for understanding natural processes and predicting the results of human-caused changes in other areas.

Integration with General Park Planning

STEPS IN THE VISITOR EXPERIENCE AND RESOURCE PROTECTION PROCESS

Examples

Step 3: Map and Analyze Resources and Visitor Experiences

Assembling and/or reviewing the park's data base is required by Planning Process Guideline (NPS-2) and is necessary for understanding the park's potential visitor experience opportunities, issues, and alternatives.

Product: A set of overlay maps showing the spatial distributions of important resources, summary data maps showing landscape units and park visitor experience opportunities, an existing infrastructure overlay, and a resource attributes matrix.

Parks are composites of a variety of important natural and cultural resources. People value parks for a number of reasons—inspirational, educational, aesthetic, recreational, scientific, and economic, among others. Significant differences usually exist within different areas of a park in terms of resource values and visitor use attributes. Mapping all the park's important resources is the first task in identifying the relative location and abundance of specific values. This inventory should be as scientific as possible—based on field research, visitor surveys, and the perceptions of people who are intimately familiar with the park. Its purpose is to provide a foundation for three additional tasks:

- mapping of landscape units
- mapping the range of visitor experience opportunities
- completing the resource attributes for the visitor use matrix

The data maps and matrices prepared in this step will provide a foundation for establishing the spectrum of desired resource and social conditions (management zones) in step 4, and the visitor experience and resource protection zones and alternatives formulated in step 5.

Maps might be produced of such resource and social values as:

- hydrology (waterform)
- land relief
- soils
- vegetation
- prehistoric and historic resources
- special environments—wetlands, critical habitats, paleontological sites, etc.

Examples of analysis overlay maps:

- landscape unit boundaries
- visitor experience opportunities based upon prime resources

Integration with General Park Planning

STEPS IN THE VISITOR EXPERIENCE AND RESOURCE PROTECTION PROCESS

Examples

Step 4. Establish the Spectrum (or Range) of Desired Resource and Social Conditions (Potential Management Zones)

Zoning is required as part of a GMP effort. This step describes a new way of defining management zones that has not been done in traditional park planning. Although the focus and names of the zones that are generated in step 4 differ from what has been done in the past, the step is consistent with Park Service general planning guidelines.

Product: A matrix summary of potential management zones and, for each zone, a written description of the visitor experience and the resource setting

Most parks are capable of providing a variety of different visitor experiences. These experiences are contingent upon a specific combination of physical, biological, social, and managerial conditions. Typically a park also contains some natural or cultural resources that are sufficiently sensitive to require special management or use restrictions. In this step, the VERP team defines potential management zones based upon a spectrum of desired resource and social conditions. These zones are defined by carefully analyzing resource constraints/sensitivities, resource attributes for visitor use, and management goals for the park.

The existing park infrastructure (roads, buildings, parking lots, trails) is a factor in determining these potential zones but should not be a deciding factor because roads and buildings can be removed and changed. The potential zone names are relatively unimportant but should be derived from the zone's visitor experience or resources instead of its infrastructure in the zone (for example *rural* is a better name than *unpaved roaded*).

This step is not easy. Because the determination of what a park should or should not provide can be largely subjective and often value laden, this must be a very open and public process. Some guidance for determining a range of zones appropriate to a particular park is provided by:

- the park's regional context
- the park's purposes, significance, and interpretive themes defined in step 2
- the distribution and abundance of different park resources mapped in step 3

Examples of potential zones:

- Developed
- Semi-primitive, pedestrian
- Semi-primitive, trekker
- Semi-primitive, motorized
- Primitive

The description of the semi-primitive, pedestrian zone might be:

- The area is characterized by predominately natural environments, with much evidence of the sights and sounds of people. Large numbers of users can be expected, both on-site and in nearby areas, although only people on foot are encountered. Visitor sites are within easy walking distance of parking areas. Resource modifications for essential visitor and park operation needs are evident, but harmonize with the natural environment. Opportunities exist to interact with natural environments, but this interaction will rarely be a solitary experience. Limited opportunities exist for challenge and adventure.

Integration with General Park Planning

STEPS IN THE VISITOR EXPERIENCE AND RESOURCE PROTECTION PROCESS

Examples

Step 5: Use Zoning To Identify Proposed Plan and Alternatives

Product: An overlay map showing potential visitor use and resource protection zones. Mapped alternatives for meeting park purposes and definition of the programs and development (infrastructure) needed for implementation

This is the range of alternatives mandated by NEPA and NPS-2. If the park's GMP does not have a zoning scheme, or it does not clearly describe desired resource conditions and visitor experiences, the zoning scheme will need to be redefined.

In this step the team uses the resource sensitivities and attributes, landscape units, and infrastructure (step 3) as starting conditions to zone the park, identifying how different areas should be managed to achieve a particular set of resource and social conditions. The zoning scheme should be tailored to the needs of each individual park and may include particular subzones of the larger standard zones. Existing development and visitor use must be considered, but should not be the predominant factors in establishing these zones.

Often, a number of alternative management actions could meet park purposes. These alternatives are rigorously analyzed through planning to determine which would provide the greatest value to the public with the least adverse environmental impacts. Based on this analysis, a preferred alternative (i.e., the proposal) is selected.

Alternative management actions for the primitive zone might include:

- Maintain area in trailless state without facilities, signs, blazes or flagging.
- Construct no trailheads within 2 miles of this zone.

Alternative management actions for the developed zone might include:

- Allow no visitor within 150 feet of the feature.
- Establish a one-way board walk on the north side of the feature that leads visitors through a structured, interpretive sequence between a 400-car parking lot and a proposed new visitor center.

The VERP team is in the process of developing the relationship between the GMP and VERP. As a result, this step will be extensively revised in the future.

Integration with General Park Planning

STEPS IN THE VISITOR EXPERIENCE AND RESOURCE PROTECTION PROCESS

Examples

Step 6. Select Quality Indicators and Specify Associated Standards for Each Zone

Impact indicators should be identified as part of a GMP planning effort. Based on knowledge gained during subsequent steps in the process, these indicators may need to be revised periodically.

Product: A list of measurable impact indicators for each zone of the proposal and a statement of desired conditions (standards) for selected impact indicators

This is a pivotal step that transforms the subjective zone descriptions into objective measurements of conditions in those zones. It is difficult or impossible to know if desired conditions are being met unless some measurable indicator can be identified. The purpose of this step is to identify measurable physical, social, or ecological variables that will indicate whether or not a desired condition is being met.

Indicators and standards for the primitive zone might include:

- indicator: average visual encounters of other people per day
  standard: no more than 5
- indicator: evidence of camping or social trails
  standard: no evidence

Indicators and standards for the developed zone might include:

- indicator: percent of visitors able to view the feature for 30 seconds without another person in the foreground view
  standard: 90%
- indicator: evidence of human disturbance to the feature
  standard: no evidence
- indicator: length of time litter remains in foreground
  standard: less than one hour

This is the final VERP step included in the GMP. Subsequent steps are an integral part of park management.

STEPS IN THE VISITOR EXPERIENCE AND RESOURCE PROTECTION PROCESS

Examples

Step 7. Compare Desired Conditions to Existing Conditions

Product: For each zone, a determination of consistency or discrepancy with the desired conditions

Field assessments should be periodically conducted in each zone to determine consistency or discrepancy with the desired resource and social conditions. In a typical park, objectives will probably already be met in some zones.

Monitoring of the primitive zone might indicate:

- Visual encounters average 20 per day; well above the desired condition.
- No evidence of camping; matches desired condition.
- Visible social trails have appeared; doesn't match the desired condition.

Step 8. Identify Probable Causes of Discrepancies between Desired and Existing Conditions

Product: For each zone where discrepancies exist, a description of the factors causing discrepancies

A number of factors may be contributing to discrepancies with desired conditions. These factors may relate to type and level of use or they may relate to *timing* of use. They may also relate to park management or to infrastructure. Infrastructure includes such items as design, development, information programs, circulation, etc.

An effort should be made to go as far as possible in getting to the root cause, which may underlie more obvious symptoms. If the root causes are not accurately identified, management action may be misdirected with less-than-satisfactory results.

An obvious probable cause of more than 10 visual encounters per day might include:

- too many users entering at a particular trailhead

Ask *why* are too many people at this trailhead—

- because they are unaware of other opportunities?
- because the design of the access road and parking funnels them there?

Integration with General Park Planning

STEPS IN THE VISITOR EXPERIENCE AND RESOURCE PROTECTION PROCESS

Examples

Step 9. Define/Refine Management Strategies to Address Discrepancies

Product: Relatively minor modifications to plan proposals intended to mitigate the causes of discrepancies with desired conditions

In theory, every visitor use problem can be solved through design or management. Our traditional solution to facility capacity problems has been to build more. However, we can often accomplish our objectives with other prescriptions. For example, use can be redistributed, or turnover rates can be increased during periods of congestion. Such visitor use management prescriptions should start with the least restrictive that may accomplish the objective and move toward more restrictive measures if needed. These prescriptions should also include continuing research to address the most serious informational deficiencies.

The management strategies included in approved plans may need to be refined by park managers to rectify discrepancies with desired conditions identified through monitoring.

Refinements to proposed management strategies might include:

- providing literature to encourage visitors to make alternate choices
- limiting use at a particular trailhead

PREPARERS

Marilyn Hof, Planner/Team Captain
John Austin, Resource Economist
Jim Hammett, Natural Resource Specialist
Gary Johnson, Landscape Architect
Mary McVeigh, Public Involvement Specialist
Michael Rees, Natural Resource Specialist

COMMENT LETTER 2

United States Department of The Interior
National Biological Service
Cooperative Park Studies Unit
Department of Biological Sciences
University of Nevada, Las Vegas
4505 Maryland Parkway
Las Vegas, NV 89154-4004

13 September 1996

Henri R. Bisson, District Manager
Bureau of Land Management
California Desert District Office
6221 Box Springs Boulevard
Riverside, California 92507-0714

RE: Draft EIS/EIR for the Proposed Eagle Mountain Landfill & Recycling Center

Dear Mr. Bisson:

We have been studying bighorn sheep in the Eagle Mountains since September 1993. The purpose of the study is to determine seasonal movements, potential impacts the proposed Eagle Mountain Landfill might have on these animals, to recommend mitigation measures for any impacts, and to assess the effectiveness of the mitigation measures. These studies are being financed by the Mine Reclamation Corporation. The California Department of Fish and Game, and the National Biological Survey's Cooperative Park Studies Unit at the University of Nevada are participating in the study. I would like to offer some suggested changes and clarifications for the Eagle Mountain Landfill EIS/EIR concerning desert bighorn sheep (Appendix G).

Desert bighorn sheep frequently cross dirt access roads in the mine area (P4-9) or travel down roads for short distances. Bighorn use the mine area mostly for crossing from one part of the range to another. Bighorn use of the mine tailings, roads, and areas immediately around disturbed areas is, for the most part, transient.

1

We have documented that bighorn use the entire Eagle Mountains, although some parts of the range are used infrequently and largely for movements between higher quality habitats. It would never be necessary to translocate bighorn to the site of a new water source in this range. The statement in the EIS/EIR (P5-14) was based on earlier suppositions that bighorn did not use suitable habitat in the north-central part of the range because of excessive distances to water.

We are currently planning to begin Phase II of our bighorn study, which involves experimentally placing temporary water sources - each consisting of a large tank and drinker - in selected areas to study acceptance by bighorn prior to recommending

Response to Comment 2-1

Additional information on home ranges for Nelson's bighorn sheep has become available from Charles Douglas, Ph.D., University of Nevada, Las Vegas, the biologist who has been studying the Eagle Mountain bighorn population for several years. This information indicates that bighorn use the entire Eagle Mountains, and would use newly located water sources without being translocated, as was discussed in Appendix G of the Draft EIS/EIR (C. Douglas September 13, 1996 letter to U.S. Department of Interior). Please also see General Response 6.

permanent mitigation sites. Areas will be selected based on habitat characteristics and known bighorn usage that has been determined by our study (see P5-14). Visual observations and time-lapse camcorders will be used to record sheep use. These temporary water sources will function much like tinajas or natural, ephemeral sources, but will be kept filled throughout the experiment. We have submitted a budget to the Mine Reclamation Corporation for this phase of the study; estimated costs for 1996-1997 year of Phase II are as follows:

Personnel (Graduate Student) $13,116
Transportation (Vehicle/helicopter) $6,682
Equipment (Camcorder system/drinker components etc.) $4,850
UNLV Overhead $3,697
TOTAL ESTIMATED BUDGET $28,345

The Mine Reclamation Corporation is to be commended for its continuing commitment to the bighorn monitoring project.

Sincerely,

Charles L. Douglas, Ph.D.
Director/Professor

EAGLE MTN. BIGHORN MONITORING PROGRAM
BUDGET PROPOSAL - YEAR FOUR

BACKGROUND

The original research proposal for the Eagle Mountain Bighorn Monitoring Program called for a comprehensive monitoring program, to be initiated prior to landfill operations, to determine demographic and distribution patterns of the resident bighorn sheep population. It was agreed by Mine Reclamation Corporation (MRC), California Department of Fish and Game (CDFG), National Park Service (NPS), National Biological Service (NBS), and Bureau of Land Management (BLM) officials that the monitoring phase of the project must continue even after landfill activity starts, and should continue until use of an alternative water source is established, and all additional human-impacts have been adequately addressed.

Phase one of the monitoring program was started in the summer of 1993, and the phase I final report was delivered to MRC in July of 1996. Because of unforeseen difficulties with the first Environmental Impact Statement, the proposed landfill project has been stalled, leading to a consequent stalling of the bighorn monitoring program. This proposal is intended to bridge the gap between the end of phase I, and the official start of phase II of the monitoring program.

In the Phase I final report, we showed that bighorn were found within the proposed landfill boundaries during all seasons of the year. We further showed that although no permanent bighorn water sources would be eliminated due to landfill construction, several ephemeral water sources would be eliminated. Consequently, we suggested that Eagle Spring/Tank, located in the southwestern end of Placer Canyon, be evaluated by an independent wildlife guzzler expert to determine the feasibility of transforming the spring into a permanent spring capable of providing water year-round to the northern bighorn population. Furthermore, we suggested that (1) or (2) artificial water units be placed near the western end of the mine complex in order to facilitate movement of sheep away from landfill operations.

The original research proposal, along with all additional planning efforts, noted that final placement of any water units would be in areas determined to have the highest probability for acceptance by bighorn, and that those sites would be determined through monitoring of temporary water units placed in the field at the beginning of Phase II. The original plan was to place (1) or (2) mobile, temporary water units at sites thought to be good candidates for final placement based on telemetry relocations, and to record and evaluate their subsequent use by bighorn.

Currently, the bighorn monitoring program is incomplete. The program will not be complete until an additional water source for bighorn sheep has been placed near the present mine site, and telemetry studies have indicated that the sheep are utilizing the new water source, and any additional human impacts have been noted and addressed. This proposal outlines actions designed to keep the momentum of the project going during the inter-phase period, and to keep the project moving towards the goal of final, optimal placement of an artificial water unit.

OBJECTIVES:

1. CONDUCT A HELICOPTER RECONNAISSANCE OF EAGLE SPRING/TANK

Given our current level of knowledge concerning Eagle Spring, it is believed the spring provides surface water during the fall and winter, but goes dry sometime in the late spring, or early summer. Thus, it appears that the spring, in its current condition, is unavailable as a bighorn water source during the hot, dry summer months. To address this deficiency, a water unit specialist will be flown, by helicopter, into Eagle Spring during early spring 1997, and a site study will be conducted to determine the ecological and economic feasibility of altering Eagle Spring to provide a year-round source of free surface water for bighorn. This study will include notation of the spring's water flow, holding pools, drainage areas, and surrounding geological features. This site study will be done in conjunction with UNLV and CDFG officials, and a short report containing recommendations and renovation costs will be provided to MRC no later than 2 months after completion of the investigation.

2. PLACE AND MONITOR (1) MOBILE, ARTIFICIAL WATER UNIT.

One artificial water unit will be placed in the field at a site designated in the Phase I final report, and a video camera will be set up to record any use of the unit by sheep. The water storage tank will be provided by CDFG, while drinker construction and unit installation will be done on site . This unit will be continuously monitored during all seasons of the year, with special attention given to the summer months, when available water is at a premium. This tank will be placed so that it is located off the main mine haul roads, but close enough to a road so the storage tank can be refilled from a pickup truck. The video camera and tank will be checked bi-monthly. Number, sex, and approximate ages of all sheep visiting the tank will be noted and recorded, when possible, to determine demographics of the sheep coming into the water source. Radio collars and ear tags placed on animals during phase I of the project will serve as identification of sheep monitored earlier in the project. If video records show the tank has not been located or used by bighorn within an acceptable time period, the tank will be relocated in an attempt to find an optimal location for bighorn access and use.

3. CONTINUE VIDEO MONITORING OF THE HEADQUARTERS WATER UNIT

The headquarter's artificial water unit, located directly west of the mine headquarters, will continued to be monitored via a second video camera. This continued monitoring is designed to determine if sheep-use of the headquarters tank is impacted by the placement of the additional unit, and/or the alteration of Eagle Spring. The monitoring will continue the process of determining how many animals are utilizing the unit, and determining the periods of heaviest use. This additional monitoring will also be crucial in determining if any changes in water use or general movement patterns occur as human traffic increases in the proposed landfill area.

4. SCAN MINE AREAS FOR SHEEP PRESENCE

During each tank and camera check, mine areas will be scanned for sheep presence. Attention will be specifically directed towards the landfill boundaries, located between the radio tower and the east lip of the east mine pit. Multiple observation points will be established and a thorough visual check will be made from each point during each trip. All sheep locations will be noted. Notations will also be made of fresh sheep tracks, beds, and pellet groups. This information will assist in monitoring sheep movements, and assist in determining what impacts mine construction and operation may have on sheep movements.

5. CONTINUE WEATHER DATA COLLECTION

Weather data will continue to be collected from the weather station located south of the Black Eagle Mine shaft. This data will give a nearly continuous weather record dating to the beginning of the project, and will be used as a reference to help explain any unforeseen or unexplainable sheep movement patterns, as well as establish a base-line weather record for the area. This data has been, and will continue to be, made available to MRC and Kaiser personnel for general use.

BUDGET
1 October 1996 - 30 September 1997

PERSONNEL:	
Darren Divine	
Graduate Research Assistant	
(12 mos. X $1,000.00 mo.)	$ 12,000.00
FRINGE BENEFITS:	
Tuition ($972.) SIIS ($144)	$ 1,116.00
SUBTOTAL PERSONNEL	**$13,116.00**
TRANSPORTATION:	
Helicopter Reconnaissance	
(6 hrs X $500./hr.)	$ 3,000.00
Vehicle Rental	
(48 days X $14./day)	$ 672.00
Vehicle Mileage	
(24 trips X 400 mi/trip X .25/mi)	$ 2,400.00
Field Per Diem & Training	
(5 days X $86./day)	$ 180.00
(5 days X $36./day)	$ 430.00
SUBTOTAL TRANSPORTATION	**$ 6,682.00**
EQUIPMENT	
Ovis Camcorder Monitoring System	$ 3,500.00
Collapsible 500 gal. water bladder	$ 600.00
Misc. Tank/Drinker Components	$ 500.00
Camcorder Supplies	$ 250.00
SUBTOTAL EQUIPMENT	**$ 4,850.00**
UNLV OVERHEAD (15% on $24,648)	**$ 3,697.00**
TOTAL BUDGET	**$28,435.00**

COMMENT LETTER 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

September 17, 1996

SEP 25 1996

Henri Bisson
Bureau of Land Management
California Desert District
6221 Box Springs Blvd.
Riverside, CA 92507

Dear Mr. Bisson:

3-1 a

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement/Report (DEIS) for the Eagle Mountain Landfill Project, Riverside County, California. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementation Regulations at 40 CFR 1500-1508, and Section 309 of the Clean Air Act.

The DEIS evaluates alternatives for a municipal solid waste landfill in an unused open pit mine and renovation resulting in repopulation of the adjacent Eagle Mountain Townsite by Kaiser Eagle Mountain, Inc. The proposed project includes a land exchange involving 3,481 acres of BLM lands in exchange for 2,486 acres of land currently owned by Kaiser. A right-of-way would also be issued for the entire length of the Eagle Mountain Railroad and the Eagle Mountain Road and its extension. The landfill would comprise 2,164 acres, and an additional 2,490 acres would be used for landfill support facilities and open space. At full operation, the landfill would accept 20,000 tons of solid waste per day for 117 years, 75 percent of which would be delivered by railroad. Kaiser would also renovate the 429-acre Townsite for residential/commercial purposes.

We have rated this DEIS as EC-2 -- Environmental Concerns-Insufficient Information (see enclosed "Summary of Rating Definitions and Follow-Up Action"). Our concerns are based on the need for more specific protection of resources on the offered lands as well as avoiding nighttime lighting at the landfill, and a commitment to compensate for loss of bat habitat. The Final Environmental Impact Statement (FEIS) should also provide additional information regarding management of the offered lands, the visibility analysis, and alternatives to reduce nighttime lighting impacts to the nearby Wilderness Area. Our specific comments are enclosed.

Response to Comment 3-1(a)

Comment acknowledged. See Response to Comments 3-1(b) through 3-5.

We appreciate the opportunity to review this DEIS. Please send a copy of the FEIS to this office at the same time it is filed with our Washington, D.C., office. If you have any questions, please call me at (415) 744-1584, or have your staff call Jeanne Geselbracht at (415) 744-1576.

Sincerely,

David J. Farrel, Chief
Federal Activities Office

Enclosures

cc: David Mares, County of Riverside
Judy Rocchio, National Park Service

SUMMARY OF RATING DEFINITIONS AND FOLLOW-UP ACTION

Environmental Impact of the Action

LO-Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU-Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of environmental quality, public health or welfare. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommend for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1-Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3-Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From: EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

Eagle Mountain Landfill Draft EIS
EPA Comments -- September, 1996

Land Management

3-1 b **The DEIS (p. 2-8) states that the offered lands would be managed by BLM according to appropriate guidance and policies including the Desert Tortoise Recovery Plans issued by the U.S. Fish and Wildlife Service and the California Desert Conservation Area Plan and its future amendments. The FEIS should specify BLM's proposals regarding resource management on the offered lands, including minerals management and the potential environmental impacts of those management proposals. These parcels are desired by BLM because they are valuable from the standpoint of vegetation, wildlife, and efficiency of land management. In order to ensure long-term protection of the values and resources of these offered parcels, EPA recommends that BLM withdraw these parcels from mineral entry.**

3-2 **The FEIS should provide a map that depicts the offered lands with respect to Areas of Critical Environmental Concern.**

Nighttime Lighting

3-3 **It is unclear why the currently proposed landfill would be operated 16 hours per day rather than ten hours per day as would be the case for the originally proposed Eagle Mountain Landfill. We do not agree with the DEIS that nighttime lighting of the landfill would be an insignificant impact on the wilderness experience in Joshua Tree National Park, particularly in the fall, winter, and spring months when there are fewer hours of daylight and the landfill could be lighted in the evenings for up to five or six hours. We strongly recommend that nighttime lighting be eliminated from the project. The FEIS should discuss why the preferred alternative has changed and how nighttime lighting can be avoided or minimized by alternative scheduling or reducing deliveries.**

Response to Comment 3-1(b)

The offered lands would be acquired unencumbered by mining claims. These lands would be managed under the California Desert Conservation Area Plan as amended, including the USFWS Desert Tortoise Recovery Plan. Those parcels within the Salt Creek (Dos Palmas) ACEC and its proposed expansion would be closed to mineral material sales. These lands currently are not subject to any covenants or other specific restrictions on use, except for the general provisions of the Endangered Species Act. If BLM acquires the offered lands from Kaiser, the lands would become part of the proposed 15,000-acre Salt Creek/Dos Palmas Area of Critical Environmental Concern (ACEC). BLM would manage the lands in accordance with appropriate federal and state guidance and policies, including the USFWS Desert Tortoise Recovery Plan and the BLM Desert Conservation Area Plan, as amended. In addition, BLM would enforce the extensive mitigation measures that are imposed on the operation of the rail line that runs between Ferrum Junction and the Project site. See also Response to Comment 1-36.

Response to Comment 3-2

The offered lands are shown in Section 2, Project Description, of the EIS/EIR in Figures 2-2 and 2-3. The ACECs are shown in Section 3.5, Affected Environment, Land Use, of the EIS/EIR in Figure 3.5-5. In response to this and related comments, a new Figure (6-1) has been added to the Final EIS/EIR to show more clearly the relationship between key Project features and BLM ACECs. This change does not alter the analyses or conclusions in the EIS/EIR.

Response to Comment 3-3

The landfill is proposed to be operated up to 16 hours per day to improve operational efficiency. At 16 hours per day, 2 crews of workers can be used, and the total amount of equipment operating at any given time to be used can be reduced. Additional studies were conducted to further characterize potential nighttime lighting impacts (see Appendix W). With mitigation measures identified in the EIS/EIR, impacts will be reduced to below the level of significance. The NPS Agreement with Kaiser/MRC (Appendix T) includes additional contractual obligations regarding nighttime lighting as requested by the NPS.

Visibility

3-4 EPA defers to the Federal land manager of a Class I area as the expert in determining what levels of impact constitute a perceptible plume. We strongly support the National Park Service, the Federal land manager of Joshua Tree National Park, which has determined that a plume is perceptible when it has a delta E value of 2.0 or a contrast value of 0.05. These values should be incorporated throughout the EIS.

The total number of impacts to all observers should be included in the coherent plume analysis. Therefore, the frequency of impact from coherent plumes from all observers should be noted in addition to the frequency of impact to the most affected observer.

Wildlife

3-5 According to the DEIS (p. 4.7-31), proposed mitigation measures would not reduce impacts to the California leaf-nosed bat and the Townsend's big-eared bat to below levels of significance. The DEIS suggests that mitigation trust funds could be used to identify additional mitigation, such as suitable roosting and/or maternity habitat. EPA recommends that BLM and/or Riverside County commit to acquiring compensation habitat for bats as a high priority.

Response to Comment 3-4

The comments of the NPS are acknowledged. See Response to Comments 1-82 and 1-83. The Draft EIS/EIR (Appendix E, Part 6) contains the complete results of the visibility analysis conducted for the proposed Project, which includes impacts with a Delta-E value of 2.0 or a contrast value of 0.05. The impacts on visibility were determined using the EPA-approved PLUVUE II model. Although the commenter represents a regional office of the EPA, it should be noted that the EPA PLUVUE II users' manual does not recommend the criteria supported by the NPS for the more complex Level III analysis used to evaluate the visibility impacts from the proposed Project. The distribution (frequency of impact) of Delta-E and contrast values in the context of duration and location provides a complete picture of the visibility impacts for the proposed Project. Even though EPA does not specify the criteria to be used for a Level III analysis, the criteria recommended by the NPS are evaluated in the Draft EIS/EIR. The maximum number of model runs with Delta-E greater than 2.0 and contrast values greater than 0.05 for all observation locations recommended by the NPS are shown in Appendix E Table 6-4 (proposed Project without Mitigation), Appendix E Table 6-5 (proposed Project with Mitigation) and Appendix E Table 6-6 (Reduced Volume Alternative With Mitigation) and are summarized in Response to Comment 1-86. The document indicates that Delta-E's greater than 2.0 and contrast values greater than 0.05 are perceptible to some individuals. The maximum of 39 hours of exceedance in a given year is not described as significant in the Draft EIS/EIR due to a number of factors discussed on pages 4.4-9 and 4.4.-10 of the Draft EIS/EIR.

Response to Comment 3-5

The Environmental Mitigation Trust is a mitigation measure in the Draft EIS/EIR (p. 4.7-35) that proposes land purchases to set aside lands in perpetuity that are considered valuable habitat. The Trust will be administered the County of Riverside Board of Supervisors. A committee, comprising agency representatives as well as environmental groups, will recommend the amount and suitability of lands to be purchased. Based on the projected funds available over the life of the landfill, the potential mitigation funds would enable land purchases several times greater than the actual lands affected. As two of the many committee members who will be

participants in the review and selection of valuable habitat using Trust funds, both the BLM and the County will emphasize the importance of purchasing compensation habitat for bats if it is needed later. Also see General Responses 3 and 6.

COMMENT LETTER 4

STATE OF CALIFORNIA - CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY — PETE WILSON, Governor

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN • REGION 7
73-720 FRED WARING DR., SUITE 100
PALM DESERT, CA 92260
Phone (619) 346-7491
FAX (619) 341-6820

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AUG 05 1996

AUG 02 1996

RIVERSIDE COUNTY
PLANNING DEPARTMENT

Joan Oxendine
California Desert District
6221 Box Springs Boulevard
Riverside, CA 92507

David Mares
County of Riverside
4080 Lemon Street, 9th Floor
Riverside, CA 92501

RE: Review of Draft Environmental Impact Statement (EIS) Environmental Impact Report (EIR) for Eagle Mountain Landfill State Clearinghouse No. 95052023

The Regional Board staff received three copies of the draft EIS/EIR on July 15, 1996. Staff has reviewed the referenced document and has the following comments:

1. Page 1-16, Table 1-3, third row down, under discussion column, second line:

   "GCLs are more permeable than compacted clay" (emphasis added). Please clarify.

2. Page 1-17, Figure 1-3:

   Poor quality reproduction.

3. Page 2-26, Section 2.1.5.1, 2nd paragraph, leachate definition:

   Given the low precipitation at the landfill, you may wish to include the more complete definition of leachate from page 4.1-5, section 4.1.2.1, 2nd Paragraph, throughout the document including the Glossary.

4. Page 4.1-7, section 4.1.2.1, "Minimizing Leachate.....":

   a) Please clarify "The design is essentially unchanged..." (emphasis added). What are the changes? Please be specific.

   b) "The RWQCB determined that the WDRs ..." (emphasis added)

   Please change RWQCB to SWRCB.

5. Page 4.9.-9, Section 4.9.3.3, first paragraph:

   The reference to the "Holocene Epoch" as "...Within the last 11,000 years or so,..." (emphasis added) differs from the Glossary definition, Page 10-5"...period from approximately 12,000 years ago to the present time." Please explain the inconsistency.

Response to Comment 4-1

Comment acknowledge. The Final EIS/EIR has been changed to more impermeable. This change does not alter the analyses or conclusions of the EIS/EIR.

Response to Comment 4-2

Comment acknowledged.

Response to Comment 4-3

Comment acknowledged.

Response to Comment 4-4

(a) The changes referred to are discussed in Section 1.0, Introduction (1.2.3, Major Differences Between Previous and Currently Proposed Project), page 1-15, Table 1-3 of the Draft EIS/EIR. In summary, these changes are (1) modification of the landfill liner design and final cap based on regulatory permitting requirements following certification of the previous EIR, (2) potential receipt of waste from seven rather than four Southern California counties, (3) development of separate land use applications for the Townsite and the landfill, (4) incorporating landfill gas and groundwater monitoring into the design, and (5) operating the landfill primarily (rather than only) during daylight hours.

(b) The requested change from RWQCB to SWRCB is acknowledged.

Response to Comment 4-5

The correct definition is the information presented in Section 4.9.3.3--that the Holocene Epoch refers to the last 11,000, not 12,000 years. This correction does not alter either the analyses or the conclusions of the Final EIS/EIR.

Thank you for the opportunity to comment on the draft EIS/EIR. Please contact Alex Alimohammadi at (619) 776-8934 or Robert Perdue at (619) 776-8938 if you have any questions regarding these comments.

PHIL GRUENBERG
Executive Officer

HA/jj

cc: Karen O'Haire, OCC, SWRCB, Sacramento
Charlene M. Herbst, CIWMB, Sacramento
Laurie Holk, DEH, Indio

File: Eagle Mountain Landfill, working file

COMMENT LETTER 5

Cal/EPA

State Water Resources Control Board

Mailing Address:
P.O. Box 100
Sacramento, CA
95812-0100

901 P Street
Sacramento, CA
95814
(916) 657-1951
FAX (916) 657-1485

SEPTEMBER 16 1996

Governor

Mr. Henri R. Bisson
District Manager
U.S. Bureau of Land Management
6221 Box Springs Boulevard
Riverside, CA 92507-0714

Mr. David Mares
County of Riverside
4080 Lemon Street,
9th Floor
Riverside, CA 92501

Dear Sirs:

COMMENTS ON THE DRAFT ENVIRONMENTAL STATEMENT AND ENVIRONMENTAL IMPACT REPORT (EIS/EIR) FOR THE PROPOSED EAGLE MOUNTAIN LANDFILL AND RECYCLING CENTER PROJECT--STATE CLEARINGHOUSE NO. 95052023--RIVERSIDE COUNTY

It is my understanding that the Regional Water Quality Control Board, Colorado River Basin Region (RWQCB) has already provided comments upon the draft EIS/EIR for the Eagle Mountain Landfill Project. These comments are meant to supplement the RWQCB comments, and relate solely to the inter-relationship between the hydroelectric power project of Eagle Crest Energy Company (ECEC) and the landfill project. The RWQCB is responsible for issuance of the Waste Discharge Requirements for the landfill. The State Water Resources Control Board (SWRCB) is responsible for issuance of any water quality certifications for hydroelectric power projects pursuant to section 401 of the federal Clean Water Act. Thus, the staff of the RWQCB and the SWRCB have reviewed the draft EIS/EIR for different purposes.

1 Based upon my review, it appears that the document adequately identifies the potential cumulative impacts which could occur if both the hydroelectric power project and the landfill project proceed forward. It appears that the impacts of potential leakage and seepage from the hydroelectric power project facilities have been adequately described.

One of the primary issues of concern regarding operation of the ECEC project is the potential for groundwater quality degradation. The documentation produced by ECEC indicates that the salinity of the water stored in the reservoirs will increase over time due to evaporation of the water and resultant concentration of the salts. If this water seeps or leaks from the reservoirs and comes into contact with the local groundwater, it could degrade the quality of the local groundwater basin. This potential impact is solely related to operation of the ECEC project, and cannot be construed as an impact resultant from operation of the landfill.

Furthermore, the SWRCB has requested that ECEC address this potential impact in any environmental documentation which it prepares. The SWRCB will seek adequate assurances through

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Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

Response to Comment 5-1

Comment noted.

both the section 401 Certification process and the Federal Energy Regulatory Commission (FERC) environmental documentation process that the basin plan objectives are maintained. Consequently, it appears that the EIS/EIR for the landfill project need not include a detailed discussion of this issue.

SWRCB staff concurs with the finding of potential significance regarding groundwater overdraft if both the landfill project and the hydroelectric power project proceed forward. The principle user of water will be the hydroelectric power project because a significant amount of water is required for both the initial filling of the project reservoirs and replacement of water lost to evaporation and seepage. ECEC will need to incorporate mitigation measures in its environmental document for any significant impacts, such as groundwater overdraft, which occur as a result of operation of the hydroelectric power project. It appears that the landfill has addressed this issue as it pertains to the relative impacts on groundwater resources due to operation of its project and adequate mitigation measures have been identified.

As noted in the EIS/EIR, it is difficult to envision the construction of a hydroelectric power project utilizing groundwater as the water source. No additional environmental documentation is available from ECEC, beyond the information provided in ECEC's FERC license application. An August 9, 1996 letter from FERC to ECEC documents that ECEC has not yet entered into a third-party contract with FERC to prepare the necessary environmental documentation for the power project. The August 9 FERC letter states that the passage of laws and regulations affecting the marketing of electricity may have impacted the feasibility of the ECEC project. Consequently, FERC requested that ECEC provide information on the potential market for power generated by the project and information on the project's financial feasibility. FERC requested that ECEC submit the economic data and a letter of intent to proceed with its project by September 9, 1996. The ECEC submittal to FERC should clarify the issue of whether ECEC will be proceeding with its project.

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SWRCB staff appreciates the opportunity to comment upon the EIR/EIS. I can be contacted at (916) 657-1951 if you have any questions.

Sincerely,

Katherine Mrowka

Katherine Mrowka, P.E., M.S.
401 Coordinator

cc: Mr. Alex Alimohammadi
Regional Water Quality Control Board,
Colorado River Basin Region
Suite 100
Palm Desert, CA 92260

Mine Reclamation Corporation
c/o Mr. Terrence Eagan
Eagan & Ward
1024 Tenth Street, Suite 300
Sacramento, CA 93814-3514

CH2M Hill
3 Hutton Centre Drive
Santa Ana, CA 92707

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Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

COMMENT LETTER 6

State of California

California Environmental Protection Agency

MEMORANDUM

To: Mr. Chris Belsky
State Clearinghouse
1400 10th Street
Sacramento, CA 95814

Mr. David Mares
County of Riverside Planning Department
P.O. Box 1409
Riverside, CA 92502-1409

Date: September 16, 1996

From:
Ralph E. Chandler, Executive Director
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Subject: SCH# 95052023 Draft Environmental Impact Report (DEIR)/Environmental Impact Statement for the establishment and operation of the EAGLE MOUNTAIN LANDFILL AND RECYCLING CENTER (EML&RC), requiring issuance of a Solid Waste Facilities Permit (SWFP), Riverside County

California Integrated Waste Management Board (IWMB) staff have reviewed the document cited above. Following is a summary of the description of the proposed project and IWMB staff's comments on the document.

Project Description

The United States Department of the Interior, Bureau of Land Management (BLM), and the Riverside County Planning Department (RCPD) are jointly acting as Lead Agency for the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), respectively. Mine Reclamation Corporation (MRC) and Kaiser Eagle Mountain, Inc., (Kaiser) are proposing to develop and operate a municipal solid waste (MSW) landfill and recycling center with a rail line intermodal facility in and around an unused open pit mine located at Eagle Mountain in northeastern Riverside County, approximately 60 miles east of Indio in the Chuckwalla Valley. Eagle Mountain is located in the California Desert Conservation Area, approximately 1.5 miles south of the Joshua Tree National Park boundary near the Pinto Basin. Kaiser Steel Corporation operated the mine from 1948 to 1983. As a result of the mining operations, three open pit areas were created, known as the East Pit, Central Pit and the Black Eagle Pit.

The proposed project comprises the following features: (1) the approval of a land exchange between Kaiser and the BLM; (2) the issuance of two right-of-way grants from the BLM to Kaiser; (3) the approval of land use applications for the landfill and the Eagle Mountain Townsite (Townsite) by the County of Riverside (County); (4) the development of a Class III nonhazardous MSW landfill (i.e., the Eagle Mountain Landfill) proposed by MRC on property leased by Kaiser to MRC; and (5) the renovation and resulting repopulation of the existing, adjacent Townsite.

The original Environmental Impact Report (EIR) for this project (SCH No. 8908413) was certified by the Riverside County Board of Supervisors in 1992, but was subsequently challenged in San Diego Superior Court (Court). In its Statement of Decision, the Court directed that a new EIR be prepared to address several issues related to the project as proposed.

The Landfill proposal includes a waste-by-rail and truck system that will have a capacity, at full build-out, to transport, receive, process and landfill 20,000 tons of waste per day (tpd). For the first 25 years of operation, the expected amount of waste accepted at the EML&RC will incrementally increase and the landfill will be developed in five phases. The Landfill footprint will cover about 2,164 acres, and a buffer and ancillary facilities will occupy another 2,490 acres, resulting in the total site occupying about 4,654 acres. The projected total waste capacity of the proposed project is 708 million tons which will result in an estimated site life up to 117 years.

The proposed service area will include the following Counties: Riverside, San Bernardino, Orange, Los Angeles, Ventura, San Diego, and Santa Barbara. For the first three years of operation, waste could be transported to the landfill site by either truck or train from any of the proposed seven-county wastesheds. The course for waste transport would utilize approximately 165 miles of the Southern Pacific mainline and a private 52-mile Kaiser rail line to the site. As many as six train trips will be accepted at the site per day. Waste originating within the Chuckwalla Valley could be transported in commercial garbage trucks or private cars and trucks. A limit of 100 transfer truck round trips per day will be accepted at the proposed site for the life of the proposed project. Up to 2,000 tpd of local area waste will be delivered in transfer trucks to the Truck Marshaling Yard and up to 10 tpd will be delivered in garbage trucks or private trucks and cars to the Local Waste Receiving Facility where salvaging will be accomplished. Waste will be accepted only from jurisdictions in compliance with waste reduction and diversion requirements of AB 939. No waste will be landfilled from out-of-state sources.

Landfilling will primarily occur in the East Pit area, the base of which, covering approximately 590 acres, will be lined with a double composite liner, with approximately twelve sumps to collect leachate from low points of each subphase. The side slopes will utilize a composite geosynthetic clay and HDPE liner design. The Landfill will be divided into five primary phases. Construction and operation will progress from west to east, and the site will be closed sequentially, in 15- to 50-acre subphases, as the Landfill reaches design grade. Full build-out of the Landfill is estimated to occur in approximately 117 years. The Landfill facility will operate seven days per week, 24 hours per day. Although landfilling will primarily occur during daylight hours, six days per week, waste may be transported to the facility 24 hours per day. Nonconforming wastes will be removed from the Landfill site in the container in which it was transported. Recyclables will be stored temporarily at the site prior to shipment by truck or train to facilities handling large volumes of recyclables.

Alternatives to the proposed project addressed in the DEIR include: (1) the required No Project; (2) Reduced Volume of On-Site Disposal; (3) Alternative Road Access; (4) Rail Access Only; (5) Landfill on Kaiser Land Only; and (6) No Townsite Development (Only Landfill Development).

<u>Impacts Found Not to be Significant in the DEIR</u>

- Traffic and Transportation (Section 4.3)
- Compatibility with Surrounding Land Uses (Section 4.5)
- Biodiversity and Ecosystem Function (Section 4.7)
- Growth Inducement and Socioeconomics (Section 4.8)
- Mineral Resources (Section 4.9)
- Recreational Resources (Section 4.10)
- Water and Sewer, Utilities, Community Facilities (Section 4.12)
- Cultural Resources (Section 4.14)
- Energy Consumption (Section 4.16)

<u>Impacts Found Not to be Significant with Mitigation in the DEIR</u>

- Groundwater Quality and Use (Section 4.1)
- Public Health and Safety (Section 4.2)
- Land Use (Section 4.5)
- Surface Water and Flooding (Section 4.6)
- Biological Resources (Section 4.7)
- Geology and Mineral Resources (Section 4.9)
- Visual and Recreation (Section 4.10)
- Wilderness (Section 4.11)
- Utilities and Service (Section 4.12)
- Noise (Section 4.13)
- Paleontology (Section 4.15)

Impacts that are Significant and Cannot be Mitigated

- Air Emissions within a Nonattainment Air Basin (Section 4.4)
- Intangible Aspects of the Wilderness Experience (Section 4.11)
- Effects upon the Leaf-Nosed Bat (Section 4.7)
- Effects upon Townsend's Big-Eared Bat (Section 4.7)

Cumulative Impacts Found to be Mitigable

- Mortality of Juvenile Desert Tortoises (Section 5.0)
- Habitat Loss for Alverson's Foxtail Cactus (Section 5.0)

Cumulative Impacts that are Significant and Cannot be Mitigated

- Air Quality (Section 5.0)
- Groundwater Use (Section 5.0)

COMMENTS

Liner Hydraulic Conductivity

1 The narrative in Section 2.1.5.4 indicates that the foundation layer of the liner will have a hydraulic conductivity no greater than 1 x 10^{-9} cm/s. Table 2-4 indicates that the conductivity will be no greater than 1 x 10^{-5}. Please correct this inconsistency between the narrative and the table. It is staff's opinion that the correct value is 1 x 10^{-5}.

Subsurface Tunnels

2 Section 3.1.2.1 indicates that there are a series of interconnected tunnels beneath portions of the proposed landfill footprint. It is staff's understanding that a more detailed description of the tunnels is contained in the Report of Waste Discharge. Please include additional information and any potential effects regarding the location and structural integrity of these tunnels in the Final EIR. Any change in tunnel adits should be completed only after consideration of potential impacts to the design and operation of the landfill.

Response to Comment 6-1

Comment noted. The text in Section 2.1.5.4 should have indicated that the upper 18 inches of the final cover foundation layer will have a hydraulic conductivity no greater than 1 x 10^{-5} centimeters per second (cm/s). This does not change either the conclusions or the analyses of the EIS/EIR.

Response to Comment 6-2

Section 14.2.3 of Supplemental Volume 1 of the Report of Waste Discharge (ROWD) contains a discussion of the existing tunnels and their relationship to the landfill waste, the landfill containment systems, and the landfill monitoring systems. The discussion indicates that the tunnels are excavated in hard, competent rock and show no signs of instability. Except near the portals, the tunnels are at least 170 feet below the landfill foundation grade. Due to this separation, the tunnels will not be affected by the landfill. Near the portals, site-specific engineering measures will be required prior to landfill construction. Potential requirements are described in Section 14.2.3 of Supplemental Volume I of the ROWD. The specific requirements will be

Vectors - Insects

3 The discussion of vector control in Section 4.2.5 does not include a detailed analysis of potential impacts from the possible importation of non-native insect vectors from urban areas. Letters from James Wallace, dated 4/10/90, and from Nick Toscano, dated 9/2/92, should be referenced in the Final EIR.

Bird Control

4 Will there be ongoing evaluations of the effectiveness of the proposed bird control measures? What actions will be implemented if measures prove ineffective for the control of ravens? We acknowledge that the U.S. Fish and Wildlife Service and the California Department of Fish and Game have previously reviewed the project and found that appropriate mitigation measures to control ravens have been imposed.

evaluated in the construction documents prepared for the subphase of the landfill containing the tunnel portals. Also see Response to Comment 36-2.

Response to Comment 6-3

As noted in the Draft EIS/EIR in Section 4.2.5.1, previous investigations at Southern California landfills that were conducted to evaluate the potential for landfills to function as fly breeding grounds have indicated no significant breeding or larvae emergence. Refer to the letters concerning insects in Appendix Q of the Final EIS/EIR.

Response to Comment 6-4

Given the setting for the Project, the most likely nuisance bird type that will need to be controlled is the common raven. The mitigation measures to control ravens are discussed in detail on pages 4.7-21, 4.7-24, and 4.7-26 through 4.7-28 of the Draft EIS/EIR. In addition, raven monitoring at other landfills that provide 6 inches of daily cover shows that ravens do not dig through 6 inches of properly applied cover. The effectiveness of raven mitigation measures will be further evaluated by the raven monitoring program, which the Project Proponent will undertake. Results of this program will be evaluated by the BLM, USFWS, CDFG, and the NPS. If the monitoring indicates an increase in the number of ravens in the vicinity of the Project, an active raven control measure will be undertaken. This may include nest destruction, poisoning, shooting, alteration of landfill operation, or any other measure the resource agencies deem appropriate.

The Draft EIS/EIR contains an in-depth discussion of the potential for raven increases near active landfills in the desert region of California (pages 4.7-6 through 4.7-8). Observations indicate that the number of ravens attracted to an active landfill is not dependent upon the size of the operation, but more dependent upon the operational activity and frequency of cover operations. The more activity and more frequent the cover operation is, the fewer ravens there will be. The Desert Center Landfill, located a few miles south of the proposed Project takes in less than 10 tons of garbage per day, but daily cover is applied only twice per week. It is not unusual to see 10 to 20 ravens roosting and/or feeding on garbage at the landfill. These ravens fly away immediately when cars approach the landfill. It is also not unusual to see ravens roosting in the vicinity of the MWD stilling basin. It is anticipated that

Hydrographs

5 | **Please provide copies of the hydrographs associated with the various detention ponds in the Final EIR.**

the Desert Center Landfill will likely close if the proposed landfill becomes operational, removing a food source for the ravens. At other active landfills, such as the Indio Landfill (locally known as the Coachella Landfill) located in north Indio or the Edom Hill Landfill, north of Cathedral City, the active equipment and application of daily cover inhibit ravens from foraging.

Response to Comment 6-5

The drainage plan for the site is discussed in Section 4.6 and Appendix F. There are three primary avenues for offsite drainage from the landfill area. The first is drainage from the northeast area of the Project. Here the flow will be routed through a detention basin with a peak outflow of 1,027 cubic feet per second (cfs). The second is the drainage from the Planning Area 3 area on the eastern portion of the Project site. This discharge through the Phase 2 rail yard is handled through channels and an energy dissipater system. The flows being directed offsite from this area are reduced from a calculated post-mining rate of 1,493 cfs to 1,103 cfs. The third is the drainage from the detention basin in the southeast portion of the site, through Planning Area 4. Here flow from a large portion of the site is directed through a series of five detention basins until ultimate discharge of a maximum of 469 cfs at the southeast portion of the landfill site. The computer-generated hydrographs for each basin are voluminous and are located at the County of Riverside and the California Integrated Waste Management Board (CIWMB). Below is a summary of the outflow hydrographs for the detention basins:

Planning Area No. 1 - Eagle Creek - Detention Basin A (Includes flow-by of 2,400 cfs and total in-flow of 4,204 cfs)	
Time, min	**Outflow, cfs**
0	0
25	80
150	2,378
215	2,436
240	1,471
300	623
420	184
600	34
2,510	0

Planning Area No. 1 - Eagle Creek - Detention Basin B (Includes flow-by of 2,000 cfs and total in-flow of 3,079 cfs)	
Time, min	**Outflow, cfs**
0	0
15	75
115	1,873
225	2,069
240	1,569
300	663
420	219
540	100
3,580	0

Planning Area No. 2 - Eagle Creek - Detention Basin E & F (Includes flow-by of 1,500 cfs and total in-flow of 2,056 cfs)	
Time, min	**Outflow, cfs**
0	0
15	4
30	97
40	369
90	1,279
250	1,529
275	1,214
335	579
420	290
5,000	2

Planning Area No. 4 - Detention Basin G (southeast corner of site) (Includes total in-flow of 1,529 ac-ft)	
Time, min	**Outflow, cfs**
0	0
20	7
25	23
60	444
350	469
455	253

Planning Area No. 4 - Detention Basin G (southeast corner of site) (Includes total in-flow of 1,529 ac-ft)	
Time, min	**Outflow, cfs**
540	181
600	131
5,005	10

Planning Area No. 6 - Detention Basin H (Includes flow-by of 1,000 ac-ft and total in-flow of 2,018 ac-ft)	
Time, min	**Outflow, cfs**
0	0
15	16
30	71
60	365
75	1,000
220	1,026
240	673
300	293
420	159
540	36
5,000	0

Computer Modeling

6 Please include in the Final EIR the correlations between the results of the computer models used to evaluate potential impacts and any actual data collected from studies, or a list of the State or federal agencies involved in selection of the appropriate computer models.

Previous Concerns and Questions

Except for the above comments, all IWMB staff concerns and questions outlined in previous correspondence have been addressed in the DEIR. By example, the document contains an exhaustive discussion of the available landfill capacity and need issue for each of the seven counties, including an analysis of the anticipated long-term disposal needs. IWMB recognizes the importance of long-term planning by jurisdictions, especially given the uncertainty and length of time required in permitting new facilities.

The proposal to take waste only from jurisdictions in compliance with the AB 939 recycling goals is a model for all counties to consider.

Thank you for the opportunity to review and comment on this document. If you have any questions, please call John Loane of my staff at (916) 255-4069.

cc: Mr. John Loane
Environmental Review, Permits Branch
California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, California 95826

Response to Comment 6-6

The computer models used for analysis of impacts to resources are referenced within each appropriate section of the Draft EIS/EIR. The correlations between specific models and actual data are not readily available. The models that were used were chosen for use on this Project because they were either suggested by agencies with expertise in that area, or were chosen because they are generally accepted as being appropriate by the industry. The state or federal agencies involved with or consulted in the selection of the models include:

- Regional Water Quality Control Board
- U.S. Environmental Protection Agency
- South Coast Air Quality Management District
- National Park Service
- Riverside County Department of Transportation
- Riverside County Department of Environmental Health
- California Department of Water Resources
- Bureau of Land Management

In many cases, a particular model was used because it was recommended by agency or department guidelines.

COUNTY OF RIVERSIDE PLANNING DEPARTMENT

NOTICE OF COMPLETION

SCH No. 95052023

Project Title: Eagle Mountain Landfill and Recycling Center

Lead Agency: County of Riverside Planning Department — Contact Person: David Moore, Senior Planner

Street Address: P.O. Box 1409 — Phone: (909) 275-3775

City: Riverside — Zip: 92502-1409 — County: Riverside

Project Location

County: Riverside — City/Nearest Community: Communities of Desert Center and Lake Tamarisk

Cross Streets: Northerly terminus of Kaiser Road, North of Interstate 10 — Total Acreage: 3,600

Assessor's Parcel No.: 807-070-004 et al — Section: 1, 2, 7, 11, 12, 36 — Township: 3S, 4S — Range: 14E, 15E — Base: San Bernardino

Within 2 Miles of: State Hwy #: N/A — Waterways: MWD Colorado River Aqueduct

Airports: MWD Aqueduct — Railways: Kaiser Railroad — Schools: Desert Center Unified

Document Type

CEQA: ___ NOP; ___ Early Cons; ___ Neg Dec; X Draft EIR; ___ Supplement/Subsequent; ___ EIR (Prior SCH No.); ___ Other

NEPA: ___ NOI; ___ EA; X Draft EIS; ___ FONSI; X Joint Document; ___ Final Document; ___ Other

Local Action Type

___ General Plan Update; X General Plan Amendment; ___ General Plan Element; ___ Community Plan; X Specific Plan; ___ Master Plan; X Planned Unit Dev; ___ Site Plan; X Rezone; ___ Prezone; ___ Use Permit; X Land Division; ___ Annexation; ___ Redevelopment; ___ Coastal Permit; X Other Revision to Reclamation Plan

Development Type

X Residential: Units 454, Acres 134.79 — Employees ___

___ Office: Sq. Ft. ___, Acres ___ — Employees ___

X Commercial: Sq. Ft. ___, Acres 54 — Employees ___

___ Industrial: Sq. Ft. ___, Acres ___ — Employees ___

___ Educational

X Recreational: Open Space: Acres 160

___ Water Facilities: Type MGD

___ Transportation: Type

___ Mining: Mineral

___ Power: Type/Watts

___ Waste Treatment: Type

___ Hazardous Waste: Type

X Other: Class III Landfill

Project Issues Discussed in Document:

X Aesthetic/Visual; ___ Agricultural Land; X Air Quality; X Archeological/Historical; ___ Coastal Zone; X Drainage/Absorption; X Economic/Jobs; X Fiscal; X Flood Plain/Flooding; ___ Forest Land/Fire Hazard; X Geologic/Seismic; X Minerals; X Noise; X Population/Housing Balance; X Public Services/Facilities; X Recreation/Parks; X Schools/Universities; X Septic Systems; X Sewer Capacity; X Soil Erosion/Compaction/Grading; X Solid Waste; X Toxic/Hazardous; X Traffic/Circulation; X Vegetation; X Water Quality; X Water Supply/Ground Water; X Wetland/Riparian; X Wildlife; X Growth Inducing; X Land Use; X Cumulative Effects; X Other: Wilderness Impacts

Present Land Use/Zoning/General Plan Use: An approximate area on the project site and adjacent existing parcels/Controlled Development Areas (W-2), General Commercial (C-1/C-P), and Mineral Resources & Related Manufacturing (M-R-A)/Mineral Resource Areas, Mineral Resources, Desert Areas, and Areas Not Designated As Open Space

Project Description: A Specific Plan to develop a proposed regional Class III landfill with rail and highway access, and a Specific Plan to develop an existing overpass, with related General Plan Amendment, and Change of Zone applications, along with a Development Agreement, a Tentative Tract Map application, and a Revision to a Reclamation Plan.

State Clearinghouse Contact: Mr. Chris Beiser (916) 445-0613

State Review Began: 7-5-96

Dept. Review to Agency: 8-12

Agency Rev to SCH: 8-16

SCH COMPLIANCE: ~~8-19~~ 9-17 *

Please note SCH Number on all Comments: 95052023

Please forward late comments directly to the Lead Agency

AQMD/APCD: 33 (Resources 7/6)

Project Sent to the following State Agencies

X Resources; ___ Boating; ___ Coastal Comm; ___ Coastal Conserv; ___ Colorado Rvr Bd; ___ Conservation; X Fish & Game # 5; ___ Delta Protection; ___ Forestry; ___ Parks & Rec/OHP; X Reclamation; ___ SCDC; X DWR; ___ OES; ___ Bus Transp Hous; ___ Aeronautics; X CHP; X Caltrans # 8; ___ Trans Planning; ___ Housing & Devel; X Health & Welfare; ___ Drinking H2O; ___ Medical Waste

___ State/Consumer Svcs; ___ General Services; Cal/EPA; X ARB; X CA Waste Mgmt Bd; ___ SWRCB: Grants; ___ SWRCB: Delta; ___ SWRCB: Wtr Quality; ___ SWRCB: Wtr Rights; X Reg WQCB # 7; ___ DTSC/CTC; Yth/Adlt Corrections; ___ Corrections; Independent Comm; ___ Energy Comm; ___ NAHC; ___ PUC; ___ Santa Mon Mtns; ___ State Lands Comm; ___ Tahoe Rgl Plan; ___ Other

* extended review

COMMENT LETTER 7

ESTABLISHED IN 1918 AS A PUBLIC AGENCY

COACHELLA VALLEY WATER DISTRICT

POST OFFICE BOX 1058 • COACHELLA, CALIFORNIA 92236 • TELEPHONE (619) 398-2651

97 JUL 29 AM 8:01
RIVERSIDE, CA

	DATE
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DIRECTORS
TELLIS CODEKAS, PRESIDENT
RAYMOND R. RUMMONDS, VICE PRESIDENT
JOHN W. McFADDEN
DOROTHY M. NICHOLS
THEODORE J. FISH

July 25, 1996

OFFICERS
THOMAS E. LEVY, GENERAL MANAGER-CHIEF ENGINEER
BERNARDINE SUTTON, SECRETARY
OWEN McCOOK, ASSISTANT GENERAL MANAGER
REDWINE AND SHERRILL, ATTORNEYS

File: 0034.19037

Eagle Mountain Landfill and
Recycling Center Project
Bureau of Land Management
6221 Box Springs Boulevard
Riverside, California 92507

Gentlemen:

We have reviewed the Draft Environmental Impact Statement/Environmental Impact Report for the Eagle Mountain Landfill and Recycling Center Project and have no comments.

If you have any questions please contact Joe Cook, planning engineer, extension 292.

Yours very truly,

for Owen McCook
Tom Levy
General Manager-Chief Engineer

JEC:lmf\sw\jul\eagle

TRUE CONSERVATION
USE WATER WISELY

Response to Comment 7-1

Comment acknowledged.

COMMENT LETTER 8

STATE OF CALIFORNIA THE RESOURCES AGENCY — PETE WILSON, Governor

DEPARTMENT OF FISH AND GAME
Region 5
330 Golden Shore, Suite 50
Long Beach, California 90802
(310) 590-5113

September 3, 1996

U.S. Department of the Interior
Bureau of Land Management
California Desert District
Attn: Joan Oxendine
6221 Box Springs Boulevard
Riverside, California 92507

Mr. David Mares
County of Riverside Planning Department
4080 Lemon Street, 9th Floor
Riverside, California 92501

Dear Ms. Oxendine and Mr. Mares:

Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR)
Eagle Mountain Landfill and Recycling Center Project
SCH 95052023, Riverside County

The Department of Fish and Game (Department) has reviewed the above-referenced document. The project proposes to convert an existing, unused open-pit iron mine to a Class III non-hazardous solid waste materials landfill. The 4654-acre project site is located in the Eagle Mountains, in north eastern Riverside County, California. The Department is generally satisfied with the scope of the project but, there are some issues of concerns. The Department would like to comment on general and specific issues, for incorporation into the final EIS/EIR.

VEGETATION

1 ALVERSON'S FOXTAIL CACTUS: The Alverson's foxtail cactus (***Coryphantha Vivipara var. Alversonii***) transplant proposal remains highly experimental. This practice is neither recognized by the California Native Plant Society, nor the Department. This species is a candidate for listing, and a Bureau of Land Management (BLM) sensitive species. Transplant failures would result in a direct resource loss unacceptable to the Department and prevents recognition of transplantation as viable mitigation for impacts to this species. The document needs to fully address and disclose acceptable mitigation for this species (Sect. 1.7 pages 1-53, Sect. 3.7.2.1 pages 3.7-4 through 3.7-10, Appendix G, and all corresponding text).

2 CALIFORNIA BARREL CACTUS: The complete lack of an adequate discussion, inclusive of impacts and mitigation, for the California barrel cactus (***Ferocactus acanthodes var. acanthodes***), a BLM sensitive species, is not acceptable to the Department. This issue needs to be fully addressed in the document. Furthermore, the net resource loss of over 600 individuals of this species as being insignificant is also unacceptable to the Department (Sect. 3.7.2.1 pages 3.7-4 through 3.7-10, Appendix G, and all corresponding text).

Response to Comment 8-1

The Final EIS/EIR has been revised to include results of experimentally transplanted Alverson's foxtail cactus at the Project site. These results indicate 100 percent survival of transplanted individuals two years following transplant. Additionally, 95 percent of these transplanted individuals have flowered following transplanting. Additional mitigation for Alverson's foxtail cactus will include collection of seed from transplanted individuals. Seed shall be stored under appropriate temperature and humidity at Department of Biology, University of California, Riverside, or a similar institution. Survivorship of transplanted individuals shall be monitored for 5 years following transplanting. The transplant shall be considered successful if survivorship after 5 years meets or exceeds 75 percent. If this rate of survival is achieved, stored seeds may be discarded. If survivorship after 5 years be less than 75 percent, the stored seed shall be used to produce new individuals to replace the number of individuals that did not survive 5 years after the transplant.

Response to Comment 8-2

In the Final EIS/EIR, the discussion of impacts to and mitigation for California barrel cactus that would be lost as a result of the Project has been revised. That discussion now indicates that approximately 600 individual of this species would be lost over the approximately 100-year life of the Project, rather than at one time. Mitigation will include transplanting individuals located within the area included in the active phase of the Project as it proceeds through each phase. These transplants will occur according to procedures acceptable for transplanting cacti. During the reproductive season prior to transplanting, seeds from individuals to be transplanted will be collected and stored under appropriate temperature and humidity at Department of Biology, University of California, Riverside, or a similar institution. Survivorship of transplanted individuals shall be monitored for five years following transplanting. The transplant shall be considered successful if survivorship after 5 years meets or exceeds 75 percent. If this rate of survival be achieved, stored seeds may be discarded. If survivorship after 5 years be less than 75 percent, the stored seed shall be used to produce new individuals to replace the number of individuals that did not survive 5 years after the transplant.

3 OROCOPIA SAGE: The mitigation/compensation proposed for the Orocopia sage (***Salvia greatae***), a BLM sensitive species, appears to be adequate but should clearly state that no net loss of this species may occur. The value of thorough protection and management of all candidate and sensitive species is the potential elimination of the need to list these species. Appropriate proactive mitigation strategies are recommended for all candidate species and required for all listed species on the proposed project site (Sect. 3.7.2.1 pages 3.7-4 through 3.7-10, Appendix G, and all corresponding text).

4 The California Environmental Quality Act (CEQA) Guidelines, §15380 states that all sensitive or candidate species be considered as though they were listed species if a proposed project may further reduce their numbers. The draft EIS/EIR does not meet this criteria to provide adequate analysis and mitigation for the three above-referenced species.

ANIMAL SPECIES

5 NELSON'S BIGHORN SHEEP: The loss of 944 acres of Nelson's bighorn sheep (***Ovis canadensis nelsoni***) habitat is unacceptable to the Department and avoidance of this significant loss is recommended. If this direct impact continues to be preferred by the applicant, substantial mitigation/compensation to offset the direct habitat loss will be appropriate and necessary prior to project initiation and therefore, must be fully disclosed in the document.

6 Any on-site introduction of domestic livestock by residents living at the proposed project is unacceptable to the Department. The document should clearly read and state that this includes cattle, domestic sheep, swine and domestic goats. Exposure and possible transmittal of known diseases carried by these animals to the existing population of bighorn sheep could result in the extirpation of the entire population (page 4.7-30, and all corresponding text). In addition, domestic dogs need to be restrained and controlled at the townsite so bighorn sheep are not harassed or killed by free-roaming or feral dogs. The document does not address this issue.

7 The Department, in addition, recommends that the document should include a minimum of four new reliable water sources, as partial mitigation for bighorn sheep habitat which will potentially be lost due to the project. Two of the water sources should be installed on the mountain adjacent to the project area, and the two others along the rail service. Divine and Douglas' report (Bighorn Sheep Monitoring Program for the Eagle Mountain Landfill Project, Phase I, 1996) suggests placement be north of the landfill, and at the top of Placer Canyon. The Department recommends that these two drinkers be in place and functioning prior to the start of operations (pages 4.7-29 through 4.7-30, and all corresponding text). The two sites along the rail service shall be designated by Department biologists. Prior to installation, site location and design need to be approved by the Department. The responsible parties for building, maintaining, and filing all these water sources must be clearly stated in the document.

If the new water sources do not fill by natural precipitation, they must be filled manually by transporting water so that they can continue to meet their design objectives. A "four time" replacement clause should be included in the document to ensure that the drinkers continue to function efficiently over the life-span of the project (pages 4.7-29 through 4.7-31, and all corresponding text). Installation and maintenance of said water sources, however, do not alleviate maintenance responsibilities for Buzzard Spring, or Eagle Tank by the project proponent.

Response to Comment 8-3

Comment noted. Mitigation measures to protect Orocopia sage are designed such that no net loss is expected to occur.

Response to Comment 8-4

See Section 6 of the Final EIS/EIR and General Response 6.

Response to Comment 8-5

The Project will maintain 644 acres of natural habitat as a buffer zone surrounding the landfill site. Mitigation for loss of bighorn sheep habitat includes acquisition of appropriate habitat through the Environmental Mitigation Trust. These measures reduce impacts to below the level of significance. Please see also General Response 6.

Response to Comment 8-6

Existing wording in Section 4.7 of the Draft EIS/EIR that identifies mitigation measures for Nelson's bighorn sheep has been revised in the Final EIS/EIR as recommended in this comment letter to include specific domestic livestock at the Townsite, including cattle, domestic sheep, swine, and domestic goats. Additionally, existing wording that identifies restraint of dogs or other large pets, has been adjusted as recommended in the comment letter to include restraint and control of dogs at the Townsite so that bighorn sheep are not harassed or killed by free-roaming or feral dogs. Also see General Response 6.

Response to Comment 8-7

Mitigation to compensate for loss of habitat at the site has been adjusted in the Final EIS/EIR to include four water sources, two near the Project site in the Eagle Mountains at locations identified in the comment letter and Divine and Douglas (1996) (see Appendix N), and two along the rail spur at locations to be determined in coordination with CDFG biologists. The location of the two identified water sources has been described as being placed north of the landfill and at the top of Placer Canyon.

Potential adverse impacts to bighorn sheep associated with reimplementation of rail service are not fully considered in the document. This is inconsistent with CEQA Guidelines, §15130 which requires full disclosure of all
8 direct, indirect, and cumulative adverse impacts of a proposed project. This issue must be adequately addressed in the document.

The Department considers the discussion dealing with train service to be inadequate. The area between the Coachella Canal Bridge and Highway 10 is a known migration corridor. The DEIR, however, does not discuss the speed parameters at which trains will be traveling nor associated potential impacts to this migration corridor. This
8 issue needs to be fully discussed. The Department strongly recommends that trains not be allowed to stop between these two points except under emergency conditions (pages 4.7-30, Appendix G pages 5-15, and all corresponding text).

The Department deems the three-day notification for deer or bighorn sheep killed by rail service to be totally inadequate. Immediate notification is required so that biological data and samples can be collected from the carcass (pages 4.7-30). Also, the Department recommends that the current, ongoing monitoring study be continued due to the longevity of this project. This should be discussed and included in the document for bighorn sheep for the duration of the project as part of the mitigation process.

MOUNTAIN LIONS: The document fails to address the presence of Mountain Lion (***Felis Concolor***) at the project site. Both visual sightings and pug marks have been identified and verified by Department personnel
9 (Mulchay, 1994, 1995) on the project site. A full discussion and mitigation strategy must be developed and included in the document (page 3.7-14, Appendix G, and all corresponding text).

BATS

The Department believes that two additional responses regarding mitigation for the California leaf-nosed ba (***Macrotus Californicus***), a candidate species and a California Species of Special Concern need to be addressed and included in the document. The following are the Department's comments pertaining to this issue:

The document states, "For biological resources, the loss of the Kaiser Mine Adit for bat roost habitat is considered a significant impact that cannot be mitigated." This is an unverified statement which is unacceptable because it fails to comply with relevant CEQA statutes. CEQA Statute, §21080 requires that expert testimony and opinions be substantiated by facts. Section 21080(e) states:

"Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions
10 *predicated upon facts, and expert opinion supported by facts."*

If the project proponent maintains this position and fails to mitigate in good faith, then a "Statement of Overriding Consideration" supported by written findings (see CEQA Guidelines, §15091) should be prepared, circulated, and included in the final EIS/EIR (Errata sheet pages 1-41 Sect. 1.6, page 2-68 Table 2-5). However, as stated above, this position does not constitute substantial evidence, and therefore cannot be used for findings in support of a "Statement of Overriding Consideration" (see CEQA Guidelines, §15093).

The Department recommends the immediate opening of the Black Eagle Mine Adit. The adit should be gated with a Department-approved "bat gate" and monitored by a Department-approved biologist. The Department believes that careful monitorng will determine that this species, currently found in the Eagle Mountain Adit, will recolonize the Black Eagle Adit from which it most likely originated.

The tank design for the water source preferred the CDFG, that of Leon Lesicka, has been identified in the mitigation section of the Final EIS/EIR. A "four time" replacement requirement for the tanks has been added to the mitigation section such that the water sources would be functional throughout the life of the Project. This means that the water resources will be replaced after their expected 25-year life. Mitigation that requires that the water sources be filled by MRC when natural runoff is insufficient to maintain their function has been added. Please see also General Response 6.

Response to Comment 8-8

Section 4.7 of the Draft EIS/EIR recommends that train stopping in the bighorn sheep migration corridor should be limited to emergencies (such as a desert tortoise on the tracks). The average speed of trains going to and from the landfill site through the migration corridor between Coachella Canal Bridge and Highway 10 has been included in the Final EIS/EIR in the existing discussion of loss of individual animals from train kill. Those speeds are identified as an average of 20 mph going to the site and an average of 40 mph going from the site. The requirement has been modified to notify the CDFG of sheep injured or killed by a train within one working day rather than 3 working days as the Draft EIS/EIR stated. Also see General Response 6.

Response to Comment 8-9

The Final EIS/EIR has been revised to reflect additional information provided by the CDFG in the September 3 comment letter that indicates the presence of a mountain lion at the Project site based on visual sightings and pug marks at the well. The discussion includes reference to Proposition 117, Section 6, identifying mountain lions as specially protected. The Final EIS/EIR identifies mitigation for loss of mountain lion habitat over the life of the Project as a priority for land acquisition under the Environmental Mitigation Trust. Because the trust lands include habitat suitable for mountain lion, this mitigation would reduce impacts to mountain lion from loss of habitat to less than significant. Please see also General Response 6.

Response to Comment 8-10

Mitigation for impacts to bats will include (1) extending the Eagle Mountain adit , (2) limiting access to the adit, and (3) using Environmental Mitigation

After monitoring has determined whether recolonization has or has not occurred, a third option is available. Mitigation Trust Funds should be set aside to provide for the option of digging a new adit that meets the specific habitat requirements needed by this species as a over-wintering roost and/or maternity roost.

The proposed extension of the adit opening through the landfill trash mass is unacceptable to the Department. The Department believes that this effort, with high probability, will fail at a great expense to the project proponent. Lastly, the Department believes that if any/or all of the above mitigation suggestions are incorporated into the project all other bat species identified for the project site will benefit.

GENERAL COMMENTS

11 Throughout the document, it is stated that the "Mitigation Trust Fund" will be utilized for habitat acquisition (85%) as well as for monitoring (15%) and is part of the project mitigation. A full discussion of how these funds will be utilized and spent needs to be clearly detailed and fully disclosed. A portion of the 15% of "Monitoring Funds" must be specifically identified for implementation of monitoring findings (e.g. construction costs for habitat improvements dictated through the monitoring process throughout the project scoping area and for the project duration). This provision is not identified in the document. It must be discussed and included in the document.

12 The Department recommends that a thorough discussion of the monitoring plan outlining monitoring strategies, reporting guidelines and time frames, and identifying responsible parties and specific responsibilities be fully disclosed in the document. The monitoring plan should provide for submittal of annual progress reports to ensure that monitoring is carefully conducted, that the data are of high scientific quality and value, and that these standards are maintained over the duration of the project (Appendix M pages 1 through 18).

Trust funds to monitor summer and winter populations, identify and permanently protect suitable roosting and/or maternity habitat, and to establish any further measures that may be required by future monitoring. Mitigation identified in the Final EIS/EIR no longer includes extension of the Eagle Mountain adit, because the CDFG's current information based on accumulating data from other projects indicates that this measure would be unsuccessful. Mitigation recommended in the CDFG's comments letter (8) and by Brown (1996) (see Appendix S), which was provided following the release of the Draft EIS/EIR will be added. This mitigation includes immediate opening of the Black Eagle Mine adit as a potential alternative winter roost site for California leaf-nosed bat. Opening the Black Eagle Mine adit will also entail gating the opening with a CDFG-approved "bat gate" and monitoring by a CDFG-approved biologist. Mitigation will include creating another adit to provide roosting/maternity habitat for the bats should monitoring show that bats are abandoning the Eagle Mountain adit and are not recolonizing the Black Eagle Mine. Mitigation measures will also include those recommended by the CDFG and Brown (1996) as most likely to be effective, but that the potential exists that sufficient winter roosting habitat will not be provided by these mitigation measures; thus the finding of a potential significant impact, as discussed in the Draft EIS/EIR, has not been changed. Please see also General Response 6.

Response to Comment 8-11

The Environmental Mitigation Trust Fund is included in the Final EIS/EIR as Appendix U. Please see also General Response 6.

Response to Comment 8-12

Comment noted. The MOU between MRC and the CDFG calls for establishment of a "Long-Term Monitoring Team" consisting of but not limited to the BLM, the USFWS and the NPS, to develop plans for the monitoring programs necessary to study and monitor the effects of the Eagle Mountain Landfill Project on the surrounding desert areas. CDFG participation in the team would further ensure that the CDFG's concerns regarding monitoring are addressed. Please see General Response 6.

The proposed landfill project has a large sphere of influence and the potential to adversely impact many listed and candidate species that rely on desert habitat for their existence. Due to the above-mentioned
13 inconsistencies and concerns regarding the current document, it is the recommendation of the Department that the draft EIS/EIR for the Eagle Mountain Landfill Project be reevaluated and resubmitted for public review.

Lastly, the Department's unit fishery biologists were unable to provide comments, at this time, regarding both the State-listed threatened Desert tortoise (***Gopherus agassizii***) and the State-listed endangered Desert
14 pupfish (***Cyprinodon macularius***), due to their workload. Comments regarding these two State-listed species will be forwarded in the near future. The Department apologizes for any inconveniences this may present and appreciates your patience and cooperation.

Thank you for the opportunity to review and comment on this project. We request a copy of your response to our comments and/or the final EIR immediately upon approval and prior to filing the Notice of Determination. If you have any questions please contact Mr. Gerald P. Mulcahy, Associate Wildlife Biologist, at (619) 922-5613 or Ms. Lilia I. Martinez, Environmental Specialist III, at (310) 590-4830.

Sincerely,

Patricia Wolf
Acting Regional Manager

cc: See attached list

Response to Comment 8-13

Refer to comment letter 8. The EIS/EIR need not be recirculated because none of the legal requirements for recirculation has been met (i.e., no new significant impacts).

Response to Comment 8-14

Comment noted.

cc: Mr. Gerald Mulcahy
Department of Fish and Game
Blythe, California

Ms. Nancy Andrew
Department of Fish and Game
Brawley, California

Mr. Vern Bleich
Department of Fish and Game
Bishop, California

Ms. Denyse Racine
Department of Fish and Game
Bishop, California

Mr. Frank Hoover
Department of Fish and Game
Chino, California

Ms. Sharon Keeney
Department of Fish and Game
Brawley, California

Mr. Jim Dice
Department of Fish and Game
San Diego, California

Ms. Rebecca Jones
Department of Fish and Game
Palmdale, California

U.S. Fish and Wildlife Service
Carlsbad, California

U.S. Army Corps of Engineers
Los Angeles, California

State Clearinghouse
Sacramento, California

STATE OF CALIFORNIA - THE RESOURCES AGENCY
PETE WILSON, Governor

DEPARTMENT OF FISH AND GAME
Region 5
330 Golden Shore, Suite 50
Long Beach, California 90802
(310) 590-5113

November 12, 1996

Ms. Kathy E. Freas, Ph.D.
Senior Ecologist
CH2M Hill
3 Hutton Centre Drive, Suite 200
Santa Ana, California 92707

Dear Ms. Freas:

Draft Environmental Impact Report/Statement (EIR/EIS)
Eagle Mountain Landfill and Recycling Center Project
SCH 95052023, Riverside County

The Department of Fish and Game (Department) is providing comment in response to your letter dated September 19, 1996 (attached). The letter describes changes which will be included in the final EIR/EIS. The Department concurs with these changes, however, we would like the following changes included or clarified:

BATS

1 At the September 17, 1996 meeting, it was agreed that if monitoring determined whether recolonization had occurred then the use of Mitigation Trust funds to provide for the creation of a new adit would be included as mitigation in the final EIR/EIS. The new adit would need to meet the specific habitat requirements needed by the California leaf-nosed bat (***Macrotus Californicus***) as an over-wintering and/or maternity roost.

DESERT TORTOISE

2 Page 4 of the letter states "During the meeting, it was decided that if the above-referenced document provides the basis for issuing Service handling permits, Department handling permits will not be required." The Department would like this statement clarified to reflect that where a "handling permit" is necessary, a California Endangered Species Act Memorandum of Understanding pursuant to Fish and Game § 2081 would be required. Also, the Department recalls that it was agreed that the Materials Reclamation Corporation (MRC) would develop a process that would allow the project to proceed in a timely manner if there is disagreement between the resources agencies. The idea for development of this process was reached because MRC expressed their concerns over delays. The Department is committed to participate to the greatest extent possible in the federal consultation process, in order to develop, whenever possible, consistent and compatible findings between the resources agencies.

Response to Comment 8a-1

Please see Response to Comment 8-10.

Response to Comment 8a-2

These permits are required for this Project.

DESERT PUPFISH

3 A funding source for the construction of the refugium at Deep Canyon Reserve must be identified in the final EIR/EIS before the start of operation at the landfill. This issue can be clarified by including language from the Memorandum of Understanding in the final EIR/EIS.

DRAFT MITIGATION TRUST FUND DOCUMENT

The Department also reviewed the draft Mitigation Trust Fund document. The Department requests the following items be addressed in the document:

4
1. Page 4, paragraph B should include the Department as the fourth entity. Presently, the Department is not identified.

2. Page 8, paragraph B should be eliminated. The Department suggests that the four agencies involved should be the representatives serving as the advisory committee with professional scientific input being provided by agency personnel. Final determination of the expenditure for land acquisitions and monitoring studies should rest solely with the responsible agencies.

The Department would agree with the changes proposed in your letter dated September 19, 1996 if the issues identified above are incorporated as well. The Department appreciates the opportunity to clarify these issues prior to the final EIR/EIS.
5 If you have any questions, please contact Mr. Gerald P. Mulcahy, Associate Wildlife Biologist, at (619) 922-5613 or Mr. Lilia I. Martinez, Environmental Specialist III, at (310) 590-4830.

Sincerely,

Patricia Wolf
Acting Regional Manager

Attachment

cc: See attached list

SCO10019574.DOC

Response to Comment 8a-3

Page 4.7-14 of the Draft EIS/EIR states that $45,000 will be paid by MRC to the University of California to construct a pool to accommodate a population of Salt Creek pupfish at the Deep Canyon Reserve and that this money will be provided initially and credited against the Environmental Mitigation Trust.

Response to Comment 8a-4

Comment noted. In the Final EIS/EIR, the CDFG will be added to the long-term monitoring team. This change does not alter the analyses or conclusions in the EIS/EIR.

Response to Comment 8a-5

Comment acknowledged.

cc: Mr. Gerald Mulcahy
Department of Fish and Game
Blythe, California

Ms. Lilia I. Martinez
Department of Fish and Game
Long Beach, California

Mr. Curt Taucher
Department of Fish and Game
Long Beach, California

Ms. Sharon Keeney
Department of Fish and Game
Brawley, California

Mr. Frank Hoover
Department of Fish and Game
Chino, California

Ms. Rebecca Jones
Department of Fish and Game
Palmdale, California

Mr. Jim Dice
Department of Fish and Game
San Diego, California

Mr. Doug Romoli
U.S. Bureau of Land Management
Riverside, California

U.S. Fish and Wildlife Service
Carlsbad, California

U. S. Army Corps of Engineers
Los Angeles, California

State Clearinghouse
Sacramento, California

CH2M HILL
3 Hutton Centre Drive
Suite 200
Santa Ana, CA
92707
Tel 714.429.2000
Fax 714.429.2080

CH2MHILL
Celebrating 50 Years

September 19, 1996

Ms. Patricia Wolf
Acting Regional Manager
California Department of Fish and Game
Region 5
330 Golden Shore, Suite 50
Long Beach, CA 90802

Dear Ms. Wolf:

Subject: Draft EIS/EIR Eagle Mountain Landfill and Recycling Center Project

On September 17, 1996, representatives of the Department of Fish and Game (Department), US Bureau of Land Management (BLM), Mine Reclamation Corporation (MRC), and CH2M Hill met to discuss the Department's September 3 comment letter on the Draft EIS/EIR for the Eagle Mountain Landfill and Recycling Center Project. The purpose of the meeting was for the EIS/EIR consultant to clarify the Department's September 3 comments for purposes of preparing responses to comments as required by NEPA and CEQA.

Additionally, comments on treatment of desert tortoise and desert pupfish in the Draft EIS/EIR that were not completed in time to be included in the comment letter were discussed. Attendees at the meeting included:

Curt Taucher/Department	Gerry Mulcahy/Department
Frank Hoover/Department	Sharon Keeney/Department
Lilia Martinez/Department	Doug Romoli/BLM
Larry Foreman/BLM	Gary Johnson/MRC
Paul Selzer/SEH&B	Kathy Freas/CH2M Hill

Consensus was reached on treatment of each of the comments in the September 3 letter and on verbal comments provided at the meeting for the Final Environmental Impact Statement (FEIS). The FEIS should reflect the following changes (as summarized below).

Alverson's foxtail cactus

In Section 4.7 of the FEIS, the discussion will include results of experimentally transplanted Alverson's foxtail cactus at the project site. These results indicate 100% survival of transplanted individuals two years following transplant. Additionally, 95% of these transplanted individuals have flowered following transplanting. Additional mitigation for Alverson's foxtail cactus will be described in the FEIS to include collection of seed from transplanted individuals. Seed shall be stored under appropriate temperature and humidity at Department of Biology, University of California, Riverside, or similar institution. Survivorship of transplanted individuals shall be monitored for five years following transplanting. The transplant shall be considered successful if survivorship after five years meets or exceeds 75%. Should this rate of survival be achieved, stored seeds may be discarded. Should survivorship after five years be less than 75%, the stored seed shall be used to produce new individuals to replace the number of individuals that did not survive five years after the transplant.

California barrel cactus

In Section 4.7 of the FEIS, the discussion of impacts to and mitigation for California barrel cactus that would be lost as a result of the project will be clarified to indicate that approximately 600 individual of this species would be lost over the approximately 100 year life of the project, rather than lost at one time. Mitigation will include transplanting individuals located within the area included in the active phase of the project as the project proceeds through each phase. These transplants would occur according to procedures acceptable for transplanting cacti. During the reproductive season prior to transplanting, seeds from individuals to be transplanted will be collected and stored under appropriate temperature and humidity at Department of Biology, University of California, Riverside, or similar institution. Survivorship of transplanted individuals shall be monitored for five years following transplanting. The transplant shall be considered successful if survivorship after five years meets or exceeds 75%. Should this rate of survival be achieved, stored seeds may be discarded. Should survivorship after five years be less than 75%, the stored seed shall be used to produce new individuals to replace the number of individuals that did not survive five years after the transplant.

Nelson's bighorn sheep

The FEIS will more clearly describe the project feature that maintains 644 acres of natural habitat as a buffer zone surrounding the landfill site. Mitigation for loss of bighorn sheep habitat includes acquisition of appropriate habitat through the Environmental Mitigation Trust.

Existing wording in Section 4.7 of the DEIS that identifies mitigation measures for Nelson's bighorn sheep will be clarified in the FEIS as recommended in the Department's comment letter to include specific domestic livestock at the Townsite, including cattle, domestic

sheep, swine, and domestic goats. Additionally, existing wording that identifies restraint of dogs or other large pets, will be adjusted as recommended in the comment letter to include restraint and control of dogs at the Townsite so that bighorn sheep are not harassed or killed by free-roaming or feral dogs.

Mitigation to compensate for loss of water sources at the site will include four water sources, two near the project site in the Eagle Mountains at locations identified in the comment letter and Divine and Douglas (1996), and two along the rail spur at locations to be determined in coordination with Department biologists. The location of the two identified water sources will be described as being placed north of the landfill and at the top of Placer Canyon.

The tank design for the water source preferred by the Department, that of Leon Lesicka, will be identified in the mitigation section of the FEIS. A "four time" replacement requirement for the tanks be added to the mitigation section such that the water sources would be functional throughout the life of the project. Mitigation that requires that the water sources be filled by MRC when natural runoff is insufficient to maintain their function will be added.

The average speed of trains going to and from the landfill site through the migration corridor between Coachella Canal Bridge and Highway 10 will be included in Section 4.7 of the FEIS in the existing discussion of loss of individual animals from train kill. Those speeds will be identified as an average of 20 mph going to the site and an average of 40 mph going from the site.

In Section 4.7of the FEIS language will be changed to require notification of the Department of sheep injured or killed by a train within one working day rather than three working days as the document currently specifies.

Mountain lion

Section 3.7 of the FEIS will indicate the presence of a mountain lion at the project site based on visual sightings and pug marks at the well. The discussion will include reference to Proposition 117, section 6, identifying mountain lions as specially protected. Section 4.7 of the FEIS will identify mitigation for loss of mountain lion habitat over the life of the project as a priority for land acquisition under the Environmental Mitigation Trust. The section will indicate that this mitigation would reduce impacts to mountain lion from loss of habitat to less than significant.

Bats

Existing mitigation for impacts to bats identified in Section 4.7 of the DEIS (which includes (1) extending the Eagle Mountain adit , (2) limiting access to the adit, and (3) using Environmental Mitigation Trust funds to monitor summer and winter populations, identify and permanently protect suitable roosting and/or maternity habitat, and to establish any

further measures that may be required by future monitoring) will be changed in the FEIS. Mitigation identified in the Section 4.7.3.3 of the FEIS will not include extension of the Eagle Mountain adit, because the Department 's current information based on accumulating data from other projects indicates that this measure will be unsuccessful. Mitigation recommended in the Department's comment letter and by Brown (1996), which was provided subsequent to the release of the DEIS, will be added to Section 4.7 of the FEIS. This mitigation includes immediate opening of the Black Eagle Mine adit as a potential alternative winter roost site for California leaf-nosed bat. Opening the Black Eagle Mine adit will include gating the opening with a Department-approved "bat gate" and monitoring by a Department -approved biologist. The FEIS also will state that these mitigation measures are those recommended by the Department and Brown (1996) as most likely to be effective, but that the potential exists that sufficient winter roosting habitat will not be provided by these mitigation measures, thus the finding of a potential significant impact, as discussed in the DEIS, will not be changed.

Desert tortoise

The Department's requirements for handling all tortoises will be in accordance with the 1994 Guidelines for Handling Desert Tortoises During Construction Projects (Service, Revised 1996). It was noted that MRC's biological consultant, RECON, procured a Department desert tortoise handling permit in 1993. During the meeting, it was decided that if the above referenced document provides the basis for issuing Service handling permits, Department handling permits will not be required. The change in reference will be made in Section 4.7.3.3 of the FEIS.

The Department requested that they be included as a full partner with the Service and BLM in the approval of the location of the 375 acres of tortoise habitat on the Chuckwalla Bench intended to mitigate the loss of 150 acres of habitat resulting from improvements to Eagle Mountain Road. This will be added to section 4.7.3.3 of the FEIS.

The Department requested that their approval, in addition to that of the Service and BLM, be required for the design and location of tortoise barriers and culverts, and wording of the monitoring of the monitoring program be included in the FEIS. Potential problems related to from possible lack of consensus among agencies on these details and potential delays that could result were discussed. In the meeting, it was decided that language requiring approval of the Department on these issues would not be added to the FEIS.

Desert pupfish

The Department recommended that the FEIS identify that individuals collected for establishing the population at the Deep Canyon Reserve be from the Dos Palmas population or from populations from other refugia rather than from the Salt Creek population near the

Eagle Mountain Railroad crossing. Because this is an internal Department decision, it was decided that identification of the source of the individuals for the Deep Canyon Reserve would be determined by the Department.

It was agreed that, given the resolution of these issues as identified in this letter, the Department would issue a subsequent letter to be included in the FEIS. That letter would identify the Department's agreement that clarifications in the FEIS as identified in this letter would satisfy their requirements and recommendations included in their September 3 comment letter and would preclude the need to recirculate the DEIS.

We appreciate the Department's willingness and cooperation in meeting to address issues raised in the September 3 letter. If you should have questions regarding this letter, please contact me at (916) 920-0212 x 223.

Sincerely,

Thomas L. Peters/for

Kathy E. Freas Ph. D.
Senior Ecologist
CH2M Hill

cc: Doug Romoli/BLM
Dave Mares/Riverside County
Curt Taucher/CDFG
Gary Johnson/MRC
Tom Peters/CH2M HILL

COMMENT LETTER 9

CITY OF BANNING

99 East Ramsey Street • P.O. Box 998
Banning, California 92220
(909) 922-1225

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DEPARTMENT OF PLANNING

September 6, 1996

Mr. David Mares
County of Riverside
4080 Lemon Street, 9th Floor
Riverside, CA 92501

RE: Eagle Mountain Landfill Project, Riverside CA / Draft Environmental Impact Statement - Environmental Report.

Dear Mr. Mares:

Having reviewed the above referenced project, the City concludes that the data contained in the traffic analysis section of the study is deficient and/or incorrect as well as the conclusions and findings therein. The City maintains the following concerns:

1. When analyzing the effects of delay time and hazard index at at-grade crossings, the EIS/EIR prepared by DKS Associates does not take into account the pattern of development in Banning. Banning is bisected by the rail line, creating significant problems which need to be mitigated by constructing certain physical improvements e.g., grade separations.

The document states that trains servicing the Eagle Mountain Landfill will be 8,000 feet (1.4 miles) long and will travel at approximately 35 mph. According to our calculations it would take a minimum of 2.4 minutes for a train of this length to span the crossing, not including lag time, vehicle arrival or departure rate. A train of this length has the ability to block two crossings simultaneously. In addition to delay to general traffic, the speed and length of the train contribute to the following problems:

1

A). **Delay of emergency vehicles**. All emergency services including the fire department, paramedics and police department are located north of the rail line. An estimated 3,500 residential units are currently developed south of the rail line, with an estimated 4,600 units at build out. The City's fire department has a maximum response time/standard of five minutes, an additional delay of 2.4 minutes or more is critical and would further hamper the City's ability to provide emergency services.

Response to Comment 9-1

As noted in the EIS/EIR, an important measure of the effects of increased train traffic resulting from the Project was the degree of delays to highway traffic when trains cross at-grade crossings. The potential for rail at-grade crossing delays was evaluated using equations contained in *The Feasibility of Hauling Solid Waste by Railroad from the San Gabriel Valley to Remote Disposal Sites* (Southern California Association of Governments [SCAG], April 1988). Any predicted substantial Project-induced delay in traffic at at-grade crossings was considered to be a significant impact in the EIS/EIR. Based on discussions with the California Public Utilities Commission (PUC), for the EIS/EIR analysis, a substantial delay was considered to be a cumulative delay (i.e., the delay per train times the number of vehicles delayed by the train) greater than one hour. Expressed in terms of the delay of a single vehicle, a delay of one to two minutes was not considered significant.

The EIS/EIR analysis used conservative assumptions about train length (assumed to be 8,000 feet for the EIS/EIR traffic studies) and train speeds (assumed to be 35 mph). The EIS/EIR analysis concluded that vehicle crossing delays resulting from the Project would be 1 to 2.5 minutes per train, with an average of 4.7 round trips (or 9.4 train disruptions) and maximum of 5 round trips (or 10 train disruptions) per day. This is not considered to be a significant impact. The total delay at each crossing (i.e., the sum of the delay in minutes experienced by each vehicle delayed per train) is projected to range from 0.01 to 0.21 hour per train, significantly less than the one to three hours of cumulative delay encountered at crossings identified by the PUC as experiencing delay problems.

Actual maximum train length would be shorter than the 8,000 feet assumed in the EIS/EIR (typically 6,000 feet), and in the vicinity of Banning, would normally operate at an average speed of approximately 45 mph. Using these more realistic assumptions, an average delay experienced by a single vehicle at a crossing would likely be one-and-a-half minutes per train. Again, such a delay period is not considered significant.

B). **Delay of commerce**. The City's manufacturing district is located south of the rail line with freeway on/off-ramps located just north of the rail line. The manufacturing industry relies on the accessibility of trucks and other vehicles to Interstate 10. It is foreseeable that many trucks will be delayed on both the north and south sides of the line, backing up traffic across intersections and up freeway off-ramps at several crossings, 22nd Street being the most heavily traveled.

2

2.) The EIS/EIR sites the 22nd Street at-grade crossing in Banning as having the second highest hazard index and delay for its current segment as well as in the year 2010. For the year 2010 the hazard index for 22nd Street rose from 85,184 without the project to 93,296 with the project, an increase of 9.5% which is equal to the Dillon Road crossing possessing the highest hazard index. In spite of the fact that the hazard index shows a distinct increase, the delay time is shown to be exactly the same in 2010 with or without the project. It is implausible that 18,000 tons of trash being transported daily on the primary rail line would have no impact on delay time at at-grade crossings in the City.

3

3.) We understand that the Southern Pacific Railroad and Union Pacific Railroad have recently merged. The merger is anticipated to create a large increase in rail traffic through the Inland Empire pass area. The potential for increase in associated impacts has not been analyzed and we feel the study is inaccurate and deficient unless it is updated to address same.

Response to Comment 9-2

As noted in the Draft EIS/EIR, Section 4.3, the evaluation of at-grade hazard crossing indices, which identify the relative hazards among the crossings included in the analysis, was conducted for the worst-case scenario, which is an average of five trains per day. The crossing delay column in the technical appendix cited by the commenter indicates the delay experienced per train, which is a function of the train speed, the highway traffic volume, and the rate at which vehicles resume normal operations after stopping for a train. The methodology employed is the methodology used by the PUC for determining and prioritizing at-grade traffic hazards. As noted above, the analysis indicates that the typical delays experienced at crossings from each train would not be considered significant.

Response to Comment 9-3

The Union Pacific/Southern Pacific merger was approved by the Surface Transportation Board (STB), formerly known as the Interstate Commerce Commission, in August of 1996. The assets of both companies are now owned by Union Pacific.

The UP/SP merger was approved by the STB in August 1996. The assets of both companies are now owned by the UP. Prior to the merger, SP operated much of its transcontinental rail traffic on the railroad that runs through the Coachella Valley portion of Riverside County. This route is a combination of single and double track with extensive siding capacity for trains to meet and pass. The UP merger plan anticipated the addition of capacity through Coachella Valley in the future, and funds have been identified in the Operating Plan to provide improvements, thus decreasing future potential delays at at-grade crossings. (Personal communication, Tom Peters and Ray Allamong, Union Pacific Railroad, January 8, 1997.)

4 a

4.) The EIS/EIR is incorrect in its findings of future conditions at at-grade crossings along the Ferrum to Colton Yard segment. The crossing at Beaumont Av. St. 79 is ranked as having the fourth highest hazard index and fifth highest delay time in 2010. However, Beaumont Av. has been fully improved with a grade separation since 1993. This crossing will yield no hazard or delay currently or in the future. With such a gross error contained in the data, it leads us to conclude that the analysis and data provided for the remainder of the crossings in the Ferrum to Colton Yard segment are also inaccurate and unreliable having been based upon outdated information.

b

Banning currently experiences significant delay at at-grade crossings. In addition to "standard" train traffic, there are several occurrences daily when an east bound train must give right-of-way to a west bound train or vice-versa. The train giving right-of-way has been observed blocking crossings from 15 to 20 minutes. Nowhere in the study is there mention of these occurrences. The addition of the proposed train traffic to and from the landfill can only serve to compound this existing problem. The study needs to address the "blocking" occurring at crossings, resulting impacts, and necessary mitigation.

c

In summary, the City disagrees with the conclusions in the study that the Eagle Mountain Landfill and Recycling Center will not negatively impact the City's railroad crossings. We believe this project will cause both significant hazards and time delays.

Response to Comment 9-4

(a) In response to this comment, the railroad crossings in Banning were reviewed in the field. Although, as the commenter states, the Beaumont Avenue crossing has been fully improved and grade-separated, which has provided a means to reduce train delays in the area. All the other Banning crossings are as noted in Appendix D (Traffic Impact Analysis). The grade-separation at Beaumont Avenue reduces the traffic impacts described in the Draft EIS/EIR.

(b) As noted above (Response to Comment 9-3), the effects of the merger of the Southern Pacific Railroad and the Union Pacific Railroad is expected to reduce the frequency of such crossing delays.

(c) Comment noted. Please see Response to Comments 9-1 and 9-2 above.

5 The increase in rail traffic proposed at the Eagle Mountain Landfill and Recycling Center necessitates a grade separation be located at 22nd Street. The increase in hazard index rose from 32,950 in 1996 to 93,296 with the project in 2010, an increase of 183%. The delay time rose from 15.12 minutes to 32.68 minutes, an increase of 116%. The City cannot accept an increase in rail traffic which would result in cutting-off the southern portion of the City from emergency services, stifle commerce, and impede efficient traffic flow.

The City expects mitigation measures be adopted to address the significant impacts this project will have to the 22nd Street crossing. It is necessary for the safety and welfare of the citizens and business people of Banning that the construction and funding of a grade separation at 22nd Street become a priority and adopted mitigation measure for approval of the Eagle Mountain Landfill.

Sincerely,

Roger Dera
Community Development Director

Response to Comment 9-5

The increase in delay time cited by the commenter (from 15.12 minutes in 1996 to 32.68 minutes in 2010) is the increase in per-train delay without the Project, and results from the predicted increase in vehicle traffic using the crossing, not from any increase in the number of trains. This delay time is expected to decrease due to the railroad merger.

As discussed above and in the Draft EIS/EIR, the direct and cumulative traffic impacts of the Project were determined not to be significant and, therefore, no mitigation measures are required. It should be pointed out that when the County of Riverside Board of Supervisors approved the Project in 1992, it explicitly determined that a portion of the revenue from the non-County waste would go toward rail safety improvements. No such allocation of potential revenue has been made by the County at this time.

COMMENT LETTER 10

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MWD
METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

September 17, 1996

Mr. David Mares
Riverside County Planning Department
P.O. Box 1409
Riverside, California 92502-1409

Dear Mr. Mares

Draft Environmental Impact Statement/
Environmental Impact Report Dated July 1996, for the
Eagle Mountain Landfill and Recycling Center Project

We have received the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) dated July 1996, for the Eagle Mountain Landfill and Recycling Center Project in Riverside County. Mine Reclamation Corporation (MRC) and Kaiser Eagle Mountain, Inc. (Kaiser), propose to develop a Class III non-hazardous municipal solid waste landfill in an unused open pit mine and renovate the adjacent Eagle Mountain Townsite (Townsite). The comments herein represent the response of the Metropolitan Water District of Southern California (Metropolitan) as a potentially affected public agency.

On September 24, 1991, September 4, 1992, and June 20, 1995, Metropolitan responded to the original Draft EIS/EIR, original Final EIS/EIR, and the Notice of Preparation of a new Draft EIR, respectively, for the Eagle Mountain Landfill Project. In these letters Metropolitan addressed several concerns about the project including: the protection of Metropolitan's existing Colorado River Aqueduct (CRA) (e.g., structural integrity, drainage contamination, pest control and management, traffic, and the safety of the existing railroad bridge over Metropolitan's spillway); potential groundwater quality issues; and access road rights. Further, on December 14, 1992, Metropolitan entered into a Memorandum of Understanding (MOU) with MRC and Kaiser to address potential impacts to Metropolitan. Copies of our previous comments and the MOU are enclosed for your information and consideration.

We appreciated the opportunity to discuss some of Metropolitan's concerns with the proposed project with MRC and its representative on August 27, 1996, and September 13, 1996. In accordance with the MOU and these subsequent discussions between MRC and Metropolitan, MRC and Kaiser have agreed to mitigate potential impacts to Metropolitan. Metropolitan believes that by agreeing to and incorporating the mitigation measures set forth in this letter and in the MOU, Metropolitan's concerns will be addressed.

The following comments address 1) suggested modifications to the EIS/EIR and 2) potential impacts to Metropolitan with suggested mitigation measures that should be incorporated into the Mitigation Monitoring Program and included as conditions of project approval.

Modifications to the EIS/EIR

1 1. On Page 1-5, Section 1.1.2 references the proximity of the southern and eastern boundaries of Joshua Tree National Park to the proposed project site. The proposed project site boundaries are tentative at this time. However, the Final EIS/EIR should clarify that if the proposed land exchange between Kaiser and the Bureau of Land Management (BLM) is approved, the entire eastern property line of the project area would be a common boundary with Metropolitan's CRA fee property.

2 2. Chapter 2 references several facilities that would require easement grants from Metropolitan. In accordance with Page 1 of the MOU, the Final EIS/EIR should acknowledge Metropolitan's property and clarify that MRC and Kaiser would need easement grants to cross Metropolitan's telephone right-of-way, 33KV electric transmission line right-of-way, Metropolitan's Eagle Mountain Pumping Plant (Pumping Plant) property, and the CRA.

3 3. On Page 3.6-1, the last sentence in the second paragraph incorrectly states that the CRA east of the proposed project site is completely underground. Referring to the map on Page 3.5-25, the portion of the CRA north of the diagonal boundary in Section 31 is open canal. The diagonal boundary recognizes our right-of-way for a "Vee" dike immediately north of this line. The "Vee" dike protects the open sand trap, which serves as the transition from open canal to the cut-and-cover conduit to the Pumping Plant. The location of the open canal should be properly identified and mapped in the Final EIS/EIR.

4 4. Section 4.1.1 identifies the contamination of a public water supply as a potential consequence of the proposed project that would normally represent a significant effect on the environment. Metropolitan concurs with this statement. However, the last paragraph on Page 4.1-19 incorrectly states that the CRA is underground in the vicinity of the proposed project. As previously noted, the Final EIS/EIR should clarify that a portion of the CRA in the vicinity of the proposed project is open canal. In addition, our assessment of the plan boundary location suggests that the separation distance to the open canal may be much less than one-half mile, as is stated in the Final EIS/EIR. We estimate the distance at approximately 750 feet. The EIS/EIR should be modified to reflect a separation distance of 750 feet and any reevaluations of potential impacts to Metropolitan based on this modification of the separation distance.

Response to Comment 10-1

Comment acknowledged. The landfill specific plan boundary would be contiguous with MWD's property.

Response to Comment 10-2

Comment acknowledged. Easements would be required consistent with the MOU executed between the applicant and MWD in 1992 (see Appendix Y of the Final EIS/EIR).

Response to Comment 10-3

Comment acknowledged. Please see Response to Comment 10-4. Mitigation measures will minimize impacts from dust and birds, and direct flow away from the aqueduct. Impacts are mitigated to below the level of significance.

Response to Comment 10-4

(a) The CRA has both underground and aboveground sections in the vicinity of the proposed Project. The Draft EIS/EIR states on page 4.1-19: "The Colorado River Aqueduct...is another [water] resource feature in close proximity to the Project site. Operated by the Metropolitan Water District of Southern California, the aqueduct transitions from an open, cement-lined channel to underground pipes approximately one-half mile east of the northeastern edge of the Specific Plan boundary (see Figure 3.5-3)."

(b) The Draft EIS/EIR acknowledges that a portion of the CRA is an open canal in the vicinity of the proposed Project (see response to [a], above).

(c) By comparing the locations of the boundaries of the proposed Project shown on Figure 2-16 of the Draft EIS/EIR, and the local topographic map (Victory Pass, California, Quadrangle; USGS, 1987), the CRA is an open canal approximately 4,000 feet east of the proposed eastern-most edge of the landfill (Phase 4), and approximately 1,000 feet from the closest (i.e., the eastern) boundary of the Landfill Specific Plan Boundary. Where the distance

5 5 The existing MOU states that Kaiser would grant an easement to Metropolitan for an extension of Metropolitan's existing airplane runway, a drainage easement for the runway, and an ingress/egress easement between the runway and Kaiser Road This grant is intended to be in consideration of MRC/Kaiser's use of Metropolitan's runway and is subject to MRC/Kaiser's acquisition of property from the BLM Section 3.5.2.4 of the Draft EIS/EIR acknowledges Metropolitan's ownership of the existing landing strip; however, the Draft EIS/EIR does not discuss the proposed runway extension, site drainage plans, and the associated easement grants to Metropolitan. The above items agreed upon in the MOU should be referenced in the Final EIS/EIR. Further, the Draft EIS/EIR incorrectly identifies the BLM as the owner of the runway in numerous figures, including Figures 2-1 and 3.5-4. These figures and any accompanying references should be corrected to reflect Metropolitan as the owner.

between the Landfill Specific Plan Boundary and the CRA are at a minimum (i.e., less than 500 feet), the CRA is underground. Groundwater impacts to the CRA are not related to the distance between the CRA and the proposed Project.

Response to Comment 10-5

In December 1992, Kaiser, MWD, and MRC executed a Memorandum of Understanding that dealt with how MRC and Kaiser would design, construct, and operate the landfill, and how MRC/Kaiser would interact with MWD to allow MWD to review and approve certain aspects of the design of the project where MWD facilities are involved. MWD would review and approve the design of the following facilities in accordance with the MOU:

Eagle Mountain Road and Road Extension—MWD will review and approve the final design of the Eagle Mountain Road and Road Extension from Interstate 10 to the pump station. MRC/Kaiser will maintain the roadway and enforce the speed limit of 30 mph on the roads. MWD will grant easement crossing for Eagle Mountain Road extension. These crossings will be constructed and maintained by Kaiser and MRC. Kaiser and MRC will construct and maintain a drainage system across Eagle Mountain Road to handle the overflow from the pumping station. MWD will review and approve the plans for the upgrade of the railroad bridge across this existing drainage way. Where the road crosses the aqueduct, the plans will be reviewed and approved by the MWD.

Stormwater Drainage from the Landfill—While the proposed landfill will not affect current stormwater drainage for many years, at some future date, stormwater presently flowing into the east pit, or that flows from the Eagle Mountains into the Chuckwalla Valley, will be changed to direct flow from specific sedimentation basins out into the valley. These flows will be routed over the closed portions of the aqueduct and may require lining of ditches and/or structurally spanning the aqueduct. MWD will review design plans for this stormwater routing.

Air Strip—MWD maintains a private airstrip located approximately 1 mile southeast of Phase 5 of the landfill. MWD has granted MRC/Kaiser use of the air strip with the understanding that MRC/Kaiser will notify MWD of its

expected use of the air strip. Kaiser will grant MWD an easement for continued maintenance of drainage facilities around the air strip. MWD has recently requested that Kaiser transfer title to these lands needed for maintenance of the drainage facilities. If the land exchange contemplated by this document is approved, MWD and Kaiser will enter discussions regarding this transfer of approximately 6 acres.

Railroad Crossings—MRC/Kaiser will construct PUC No. 9 crossing signals with guard arms and lights at all intersections of the Eagle Mountain Road and Road Extension with the Eagle Mountain Railroad.

The applicant met with MWD on August 28, 1996, to discuss comments and questions posed by MWD after their review of the Draft EIS/EIR. In response to MWD comments and questions, MRC/Kaiser have agreed to the following:

If the Local Waste Receiving Facility (LWRF) is located and/or built in Planning Area No. 3 of the landfill specific plan, it will be enclosed to further decrease the chance of litter from escaping and impacting the open aqueduct.

MWD will review and approve plans for design and construction of facilities including drainage, rail, and road improvements that could impact MWD facilities.

The implementation of mitigation measures as requested in the MWD comment letter with the exception that only the Local Waste Receiving Facility in Planning Area 3 will be enclosed, not the one in Planning Area 2.

Potential Impact

6 On Page 1-46, Table 1-6 states that there would be no significant impacts to traffic and transportation that would require mitigation. However, the design drawings indicate that traffic exiting the Pumping Plant on either Eagle Mountain Road or Metropolitan's access road would stop and give the right-of-way to the truck traffic on Eagle Mountain Road and the proposed Eagle Mountain Road extension. Traffic heading to the Pumping Plant on the access road would also stop for truck traffic on the proposed Eagle Mountain Road extension. Traffic heading to the Pumping Plant on Eagle Mountain Road would have to make a left hand turn into the Pumping Plant. Metropolitan is satisfied with the Stop signs that would give precedence to the truck traffic. However, we believe that controlled crossings, rather than signs alone, are necessary to ensure the safe crossing of rail lines by Metropolitan's traffic and that additional measures are needed to mitigate potential impacts to Metropolitan's traffic.

6

Mitigation Measure

To mitigate potential impacts to Metropolitan's traffic in this area, the following mitigation measures shall be provided. Public Utilities Commission No. 9 crossing signals with guard arms and lights shall be installed at each at-grade rail crossing, as agreed upon on Page 7 of the MOU. Additionally, the proposed distance between the rail crossing and road crossing of Metropolitan's access road shall accommodate Metropolitan's heavy lift tractor-trailer and a chase vehicle, which total 95 feet in length. To provide visibility for Metropolitan's outbound traffic to safely proceed over the tracks and stop for the truck road, the grade of the access road shall be adjusted and raised in the vicinity of the railroad crossing at the expense of MRC and Kaiser.

Potential Impact

7 On Page 1-60, Table 1-6 states that there would be no significant noise impacts to the Townsite from rail traffic along the Eagle Mountain Railroad. Metropolitan is concerned with potential noise impacts to our Pumping Plant Village (Village).

7

Mitigation Measure

Noise levels at Metropolitan's Village shall be below the Community Noise Equivalent Level, as established in the County of Riverside Noise Element of the General Plan. Measures to mitigate potential noise impacts to the Village from rail traffic shall be the same as those identified on Page ES-15 and in Section 4.13 of the Draft EIS/EIR for potential impacts to the Townsite.

Potential Impact

8 On Page 1-60, Table 1-6 states that there would be no significant noise impacts to the Townsite from vehicle traffic along Kaiser Road after restricting nighttime traffic near the Townsite. Metropolitan is concerned with potential noise impacts to the Village from vehicle traffic along Kaiser Road.

8

Mitigation Measure

Noise levels at Metropolitan's Village shall be below the Community Noise Equivalent Level, as established in the County of Riverside Noise Element of the General Plan. Measures to mitigate potential noise impacts to the Village from vehicle traffic along Kaiser Road shall be the same as those identified on Page ES-15 and in Section 4.13 of the Draft EIS/EIR for potential impacts to the Townsite.

Response to Comment 10-6

The controlled crossings have been incorporated into the Final EIS/EIR. This does not change the analyses or conclusions of the EIS/EIR.

Response to Comment 10-7

The Pumping Plant Village residence located nearest the Eagle Mountain Railroad is approximately 1,200 feet from the railroad. As discussed in Section 4.13.2 of the EIS/EIR, noise levels at receivers greater than 200 feet from the Eagle Mountain Railroad will be below the County of Riverside's acceptable residential standard of 65 decibels on the A-weighted scale (dBA) Community Noise Equivalent Level (CNEL). Although railroad noise levels at the Pumping Plant Village are expected to be below the impact standard, the recommended mitigation measures that have been incorporated into the Final EIS/EIR that are specific to the Townsite will also apply to the Pumping Plant Village.

Response to Comment 10-8

Vehicular noise levels at the Pumping Plant Village are represented by receiver location R3. As discussed in Section 4.13.3 of the EIS/EIR, future vehicular noise levels with the proposed Project will be 40 dBA CNEL at receiver R3. Although 40 dBA-CNEL is 25 dBA below the acceptable residential standard of 65 dBA CNEL, the recommended mitigation measures that have been incorporated into the Final EIS/EIR that are specific to the Townsite will also apply to the Pumping Plant Village.

Potential Impact

9 Section 2.1.2 discusses the proposed joint right-of-way to be granted by the BLM to Kaiser and Metropolitan under the Federal Land Policy Act. In accordance with Page 2 of the MOU, the Final EIS/EIR should specify Metropolitan's entitlements associated with this joint right-of-way to ensure the continued reliable operation of Metropolitan's facilities in this area.

Mitigation Measure

9 Eagle Mountain Road shall not be vacated by Riverside County until the easement for the joint right-of-way has been received by Metropolitan. Once Metropolitan has received the joint right-of-way, Metropolitan shall be provided with continued use of Eagle Mountain Road and the proposed Eagle Mountain Road extension beyond the life of the proposed landfill. Likewise, Eagle Mountain Road and the proposed Eagle Mountain Road extension shall be maintained at the expense of MRC and Kaiser.

Potential Impact

10. On Page 4.5-2, Section 4.5.1 of the Draft EIS/EIR states, "impacts to land use would also be considered significant if the proposed Project conflicts with existing plans and/or applicable and established goals, objectives, or policies of...Metropolitan." The Draft EIS/EIR addresses potential impacts to the CRA by stating in Section 4.5.3.1 that "the landfill and Townsite Specific Plan land uses do not create conditions that would pose compatibility
10 problems with the aqueduct."

Mitigation Measure

In accordance with the MOU, all plans for landfill-related facilities that would potentially impact Metropolitan's property shall be submitted to Metropolitan for review and written approval prior to construction.

Potential Impact

11. Metropolitan is concerned about the potential for airborne dust and litter from the landfill to enter into the CRA where it flows in an open canal. In Section 4.5.4.1, the Draft EIS/EIR indicates that the aqueduct adjacent to the proposed project site is underground, the open aqueduct is northeast of the project site, and contamination by airborne dust or litter is
11 not significant.

Mitigation Measure

The mitigation measures set forth in Table 4.4-10 on Page 4.4-13, on Page 4.5-8, and on Pages 4.10-39 to 4.10-40, address this concern.

Response to Comment 10-9

The recommended text has been included in the Final EIS/EIR.

Response to Comment 10-10

On page 4.5-2, Section 4.5, Land Use, the text is revised in the Final EIS/EIR to include the MWD's request for review and approval of facility plans.

Response to Comment 10-11

The text on page 4.5-28 is revised in the Final EIS/EIR to clarify the status of the CRA adjacent to the Project site.

Potential Impact

12 The potential issues that could pose compatibility problems with the CRA are not limited to our concerns with contamination from airborne dust or litter. Metropolitan is concerned with land use compatibility related to the existing stormwater runoff that primarily flows into the East Pit from the surrounding catchment area. Once the East Pit becomes operational, this stormwater flow will be directed around the landfill footprint. Section 4.6.2.1 of the Draft EIS/EIR states that "the plan is to convey upstream discharge past the landfill and Townsite to a point where it can be safely discharged into the natural flow paths downstream." This section also states that since the aqueduct is underground and is one mile east of the landfill footprint, there would be no potentially significant impacts to the CRA from upstream storm flows.

12

However, Metropolitan is specifically concerned with the distance between the CRA and the point where the upstream storm flows would be conveyed into the natural flow paths downstream. Metropolitan is also concerned with the capacity of the natural flow paths in the area of the CRA to handle discharge, since for many decades discharge has been primarily directed into the East Pit. According to Section 2.1.4.4, the area between the landfill footprint and the CRA will be developed with the following: a rail yard and future truck marshaling yard; a vehicular weigh station and local waste receiving center; a station for the temporary storage and future transportation of waste; improved and newly constructed roads; and drainage structures. There would be an approximately 350-foot distance between the CRA and the property boundary of the proposed rail yards and receiving centers.

This development would not be compatible with the maintenance of the natural drainage flow paths. It appears that directed 500-year, 3-hour duration or 100-year, 24-hour storm flows would not return to their natural drainage paths before crossing the CRA over this distance. Therefore, measures need to be implemented to protect the CRA from potential contamination from stormwater runoff.

Mitigation Measure

To reduce the potential for contamination of the CRA from stormwater flows and elevated velocities, drainage facilities shall be constructed to convey such flows across Metropolitan's CRA property. In accordance with Paragraph 3 of the MOU, Metropolitan shall provide final approval for any drainage plans that would direct run-off toward and across the CRA.

Response to Comment 10-12

Section 4.6.2.1 has been revised to reflect the difference between portions of the CRA that are above and below the surface and to include the MWD's request for review and approval of drainage plans. See also Response to Comment 10-5.

Potential Impact

13 In Section 2.1.2.3, the Draft EIS/EIR states that the Eagle Mountain Railroad would accommodate up to six trains per day. Since the trains must return, this constitutes a total of 12 crossings of the CRA per day. In the event of an emergency (e.g. power outage) or a scheduled shutdown of the CRA, Metropolitan's Eagle Mountain Power Plant may be required to discharge significant quantities of water into the Eagle Mountain spillway. This spillway intersects the Eagle Mountain Railroad at a location immediately southeast of Metropolitan's Pumping Plant. The existing trestle railroad bridge may be unable to accommodate potential spillway discharge flows from the Pumping Plant. In addition, associated storm run-off would exacerbate the condition.

Mitigation Measure

In accordance with Paragraph 2 of the MOU, and as referenced in Section 3.5.2.3 of the Draft EIS/EIR, MRC and Kaiser shall provide for the design and reconstruction of the existing railroad trestle bridge before rail traffic commences. Such work shall be sufficient to "convey and contain the overflow from the MWD Eagle Mountain Pumping Plant Reservoir at the Railroad . . . crossing and contain the overflow within the existing MWD's Eagle Mountain Wasteway Property." Due to the potential for a power outage and resulting spill to occur during a storm, such work shall accommodate a minimum flow of 2000 cubic-feet per second from the Pumping Plant over an eight-hour period, plus the associated surface runoff from an equivalent 100-year, 24-hour storm, or a 500-year, 3-hour storm. Plans for such work shall be submitted to Metropolitan for review and approval.

Potential Impact

14 Section 4.6.2.1 states that since the landfill footprint is approximately one mile from the open canal of the CRA, measures to control dust, litter, and ravens would mitigate potentially significant impacts to the CRA. However, the area immediately west of the CRA is proposed to be used as a delivery and sorting area for waste originating within the Chuckwalla Valley and Blythe (Section 2.1.4.1). Waste received from Chuckwalla Valley will be transported in commercial garbage trucks or private cars and trucks, and from Blythe in commercial garbage trucks. The waste will then be unloaded, sorted, recycled, or stored for subsequent delivery to the landfill site. Recyclable, non-complying, and hazardous waste will be temporarily stored at the site before it is transported to a receiving facility.

a The primary mechanism proposed to reduce dust, litter, and vector control at the landfill site would be the daily placement of cover material over the refuse. It appears that this protective mechanism is not proposed or considered feasible at the Chuckwalla Valley and Blythe waste receiving and sorting areas. Metropolitan is concerned that airborne litter could reach the open aqueduct. Additionally, Metropolitan is concerned that wildlife would be attracted to the waste receiving and sorting areas and could burrow and erode the canal embankments, and thereby compromise the structural integrity of the CRA.

b Further, on Page 4.7-6, the last bullet states that an increase in common ravens could result from increased food availability at the landfill site and Page 4.7-28 states that sewage ponds, leachate ponds, and all other sources of water will be rendered raven proof. This could result in the drive of a large population of these ravens to the CRA for water, which could affect the water quality of the open canal.

Mitigation Measure

To further mitigate the potentially significant impacts of vectors (i.e. birds, insects, and animals), dust, and litter on the open canal, the Chuckwalla Valley and Blythe waste receiving and sorting areas, which may impact the CRA, shall be contained within enclosed buildings.

Response to Comment 10-13

The Final EIS/EIR has been revised to incorporate the mitigation measure. See also Response to Comment 10-5.

Response to Comment 10-14

(a) Section 2.1.7.2, Waste Inspection Facility and Process, on page 2-49 of the Draft EIS/EIR is revised in the Final EIS/EIR to state that the waste received from these areas will be sorted in buildings to reduce the potential for dust, litter, and vectors.

(b) As noted on pages 4.7-6 and 4.7-7 of the EIS/EIR, populations of ravens have increased substantially throughout the California deserts in recent years. Because the size and ranges of these populations have increased as a result of human development in the desert, raven populations may already be utilizing the CRA as a water source. With the implementation of the proposed Project's mitigation measures to limit access to both Project-related food and water sources, it appears unlikely that significant increases in local raven population usage of the CRA will result from the proposed landfill. To accommodate the concern, local waste will be sorted in the building when in Planning Area 3. Planning Area 3 is more than 2 miles away. Also see General Response 6, and Response to Comments 1-6, 6-4, and 26-19.

Potential Impact

15 15. The discussion on Page 2-3, in Section 2.1.1, on the proposed land exchange between the BLM and Kaiser indicates that the proposed rail spur and the proposed Eagle Mountain Road extension traverse the alignment of Metropolitan's planned runway extension, which will be used by both MRC/Kaiser and Metropolitan. Metropolitan is concerned with the potential for conflicts between the safe use of the runway and the use of MRC/Kaiser's proposed facilities, including the use of the railroad.

Mitigation Measure

a In accordance with Page 6 of the MOU, which states that "all railroad traffic and train operation to the Landfill Project in close proximity to the air strip shall be conducted in a manner so as not to adversely affect operation, accessibility and regulation of the landing strip," MRC and Kaiser shall coordinate all phases of the planning of the proposed rail spur and the proposed Eagle Mountain Road extension with Metropolitan to assure that they are not in conflict with the runway extension and/or applicable state or federal aeronautical regulations. In the event that the applicable regulations permit the close proximity of the proposed railroad to Metropolitan's runway extension, MRC and Kaiser shall coordinate rail and road traffic schedules with Metropolitan so as not to interfere with Metropolitan's operations.

b Should a conflict arise between the use of Metropolitan's runway and the use of MRC/Kaiser's proposed facilities, the proposed alignment of the railroad and/or the Eagle Mountain Road extension will be modified as necessary to avoid conflicts with runway use.

Conclusion

16 In conclusion, Metropolitan believes that by agreeing to and incorporating the suggested modifications and mitigation measures addressed in this letter and in the MOU, Metropolitan's concerns will be addressed. We appreciate the opportunity to provide input to your planning process and look forward to continuing to work with MRC and Kaiser. If you have any questions related to the CRA, please contact Mr. Leslie Barrett of the Substructures Section at (213) 217-6245. If we can be of further assistance, please contact me at (213) 217-6242.

Very truly yours,

Laura J. Simonek

Laura J. Simonek
Principal Environmental Specialist

MME:bvf

Enclosures

Response to Comment 10-15

(a) Section 4.5 of the Final EIS/EIR has been revised to incorporate this concern and others raised by the commenter, such as coordination of schedules. This does not alter the analyses or conclusions of the EIS/EIR.

(b) The MWD runway is located southeast of the proposed landfill site, which is over 5,000 feet from the closest point of the landfill footprint. The runway is shown in Figure 3.5-7 of the Draft EIS/EIR. MWD desires to extend the runway to the southeast approximately 1,400 feet so that the piston-propeller operated aircraft that fly into the site can land and take off in very hot weather. The southeast edge of the MWD runway is currently about 1,750 feet from the proposed rail spur proposed to be constructed as part of the Project. Using Federal Aviation Administration (FAA) guidelines for proper clearances at the end of runways, the 28-foot height of the train with double stacked cars along with the height of the rail line above natural ground is below the height of allowable structure within 350 feet from the end of the proposed runway extension. Because of MWD's concerns, a mitigation measure has been added to the mitigation and monitoring plan (Appendix M) that requires the operator to notify MWD of trains passing this area approximately 1 hour before trains pass the runway.

Response to Comment 10-16

Comment acknowledged.

COMMENT LETTER 11

COUNTY OF ORANGE

JOHN W. SIBLEY
ACTING DIRECTOR EMA

THOMAS B. MATHEWS
DIRECTOR OF PLANNING

300 N. FLOWER ST.
THIRD FLOOR
SANTA ANA, CALIFORNIA

MAILING ADDRESS:
P.O. BOX 4048
SANTA ANA, CA 92702-4048

TELEPHONE:
(714) 834-4843
FAX # 834-2771
DPC # 834-4772

ENVIRONMENTAL MANAGEMENT AGENCY
PLANNING

SEP 13 1996

NCL 96-69

Joan Oxendine
California Desert District
6221 Box Springs Boulevard
Riverside, CA 92507

SUBJECT: DEIR/EIS for the Eagle Mountain Landfill and Recycling Center Project

Dear Ms. Oxendine:

Thank you for the opportunity to respond to the above referenced item. The County of Orange has no comment at this time. However, we would appreciate being informed of any further developments.

If you have any questions or need to contact us, please call Charlotte Harryman at (714) 834-2522.

Very truly yours,

George Britton

George Britton, Manager
Environmental & Project Planning Division

CH:sf
9051915511852

Response to Comment 11-1

Comment acknowledged.

COMMENT LETTER 12

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DISTRICT
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SOUTHERN CALIFORNIA
ASSOCIATION of GOVERNMENTS

818 West Seventh Street
12th Floor
Los Angeles, California
90017-3435

t (213) 236-1800
f (213) 236- 1825

www.scag.ca.gov

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County of Riverside: Bob Buster, Riverside ... Dennis Draeger, Calimesa • Dick Kelly, ... Desert • Ron Loveridge, Riverside • Ron ... Temecula

County of San Bernardino: Larry Walker, San ... County • Jim Bagley, Twentynine Palms ... Bennett, Colton • David Eshleman, ... • Tom Minor, San Bernardino • Gwenn ... Perry, Chino Hills • Ruben Nolasco, Upland

County of Ventura: Judy Mikels, Ventura County ... Thousand Oaks • Vacant, Camarillo, ... Vacant, Simi Valley

August 10, 1996

Eagle Mountain Landfill
and Recycling Project
Bureau of Land Reclamation
6221 Box Springs Boulevard
Riverside, CA 92507

RE: **Comments on Draft EIS/EIR for Eagle Mountain Landfill and Recycling Center Project - SCAG No. I 9600237**

Gentlemen:

Thank you for submitting the **Draft EIS/EIR for Eagle Mountain Landfill and Recycling Center Project** to SCAG for review and comment. As areawide clearinghouse for regionally significant projects, SCAG assists cities, counties and other agencies in reviewing projects and plans for consistency with regional plans.

The attached staff comments are meant to provide guidance for considering the proposed development within the context of our regional goals and policies which are based in part upon state and federal mandates, as noted herein. While neither the project sponsor nor the lead agency is required to undertake the specific actions recommended by SCAG or other agencies through the Intergovernmental Review Process, there are requirements in state and federal laws for consistency with regional goals and plans, as noted herein. If you have any questions regarding the attached comments, please contact Bill Boyd at (213) 236-1960.

Sincerely,

VIVIANE DOCHE-BOULOS
Intergovernmental Review

H:\RIVEAGLE.SWA

August 10, 1996
Eagle Mountain Landfill and Recycling Project

COMMENTS ON DRAFT EIS/EIR FOR EAGLE MOUNTAIN LANDFILL AND RECYCLING CENTER PROJECT

I. INTRODUCTION TO COMMENTS RE: EAGLE MOUNTAIN LANDFILL AND RECYCLING CENTER PROJECT DRAFT EIS/EIR

BACKGROUND AND PROJECT DESCRIPTION

The proposed Eagle Mountain project is located in east central Riverside County. It is bordered on the north, west and southwest by the Eagle Mountains and on the east and southeast by the Chuckwalla Valley. The southern boundary of Joshua Tree National Park is within 1.5 miles of the Project site. It comprises two major features: (1) Eagle Mountain Landfill and Recycling Center, a Class III nonhazardous municipal solid waste landfill to be operated by Mine Reclamation Corporation (MRC) and (2) the renovation and subsequent repopulation of the existing Eagle Mountain Townsite adjacent to the proposed landfill site, which is owned by Kaiser Eagle Mountain, Inc. 'Kaiser owns portions of the Project site, and the remainder is owned by the United States Government and administered by the Bureau of Land Management (BLM). These federally owned lands are proposed to be conveyed to Kaiser in exchange for lands owned by Kaiser along the existing Eagle Mountain Railroad. The BLM is the lead federal agency for the National Environmental Policy Act (NEPA) process, and the National Park Service and National Biological Service are cooperating federal agencies. The County of Riverside is the lead agency for the California Environmental Quality Act (CEQA) process.

The proposed Eagle Mountain Landfill is primarily a waste-by-rail facility designed to meet the longterm disposal needs of seven Southern California counties (Los Angeles, Orange, Riverside, San Bernardino, Ventura, Santa Barbara and San Diego). The landfill has a projected life of approximately 117 years. It will accept waste incrementally over the first 25 years of operation: starting at about 4,500 tons per day (tpd) and increasing up to 16,000 tpd. In latter years its capacity will be 20,000 tpd. Total capacity of the landfill is 708 million tons. The landfill site encompasses 4,654 acres, about half of which will be used for waste disposal and the other half for buffer area. Most of the waste going to the landfill will be transported by train via the Southern Pacific rail system and an existing 52 mile, Kaiser owned rail line that extends from Ferrum Junction to the Eagle Mountain Mine. Of the remaining waste, most will be transported by transfer trucks in enclosed waste-haul trailers; with a small percentage of local waste coming by self haul vehicles from the Chuckwalla Valley.

The Project also includes the planned renovation and repopulation of the adjacent Kaiser-owned Eagle Mountain Townsite. The Townsite will provide housing for landfill workers and their

families. It is an existing underutilized , former mining community located adjacent to the landfill site on approximately 429 acres. In the 1960s and 1970s approximately 3,700 people lived in the development, with a full range of utilities and services. Currently the site houses a privately operated community correctional facility.

The BLM and Riverside County previously prepared a joint EIS/EIR in 1992 for the proposed Eagle Mountain landfill project. Both agencies subsequently approved the project. In late 1992, three actions were filed in state court challenging the County's certification of the previous EIS/EIR. In 1994 the state Court issued statements of decision regarding actions that need to be taken to bring the EIR certification and project approvals into compliance with CEQA. Consequently, the current Draft EIS/EIR has been prepared in response to the order of the Court to address the specific deficiencies in the previous EIS/EIR.

II. INTRODUCTION TO SCAG REVIEW PROCESS

The document that provides the primary reference for SCAG's project review activity is the Regional Comprehensive Plan and Guide (RCPG). The RCPG chapters fall into three categories: core, ancillary, and bridge. The Growth Management, Regional Mobility (being a summary of the 1994 Regional Mobility Element), policies in the Air Quality chapter, along with the Hazardous Waste Management and Water Quality chapters constitute the core chapters. These core chapters respond directly to federal and state planning requirements[1]. The core chapters constitute the base on which local governments ensure consistency of their plans with applicable regional plans under CEQA. The Air Quality and Growth Management chapters contain both core and ancillary policies, which are differentiated in the comment portion of this letter.

Ancillary chapters are those on the Economy, Housing, Human Resources and Services, Finance, Open Space and Conservation, Water Resources, Energy, and Integrated Solid Waste Management and portions of the Air Quality chapter. These chapters address important issues facing the region and may reflect other regional plans. Ancillary chapters, however, do not contain actions or policies required of local government. Hence, they are entirely advisory and establish no new mandates or policies for the region.

Bridge chapters include the Strategy and Implementation chapters, functioning as links between the Core and Ancillary chapters of the RCPG.

---

[1] See Endnote.

Each of the applicable policies related to the proposed project are identified by number and reproduced below in *italics* followed by SCAG staff comments regarding the consistency of the project with those policies.

III. CONSISTENCY WITH THE CORE CHAPTERS OF THE REGIONAL COMPREHENSIVE PLAN AND GUIDE

A. The Growth Management Chapter (GMC) includes both core and ancillary policies that are particularly applicable to this project. The GMC policies relate to the three RCPG goals: to improve the regional standard of living, to maintain the regional quality of life, and to provide social, political, and cultural equity. To achieve these goals, SCAG encourages the development of urban forms that enable individuals to spend less income on housing, minimize public and private development costs, and that enable the private sector to be more competitive, thereby strengthening the regional economy. Attaining mobility and clean air goals is also critical in enhancing the quality of life in the region and can be achieved through the development of urban forms that accommodate a diversity of lifestyles, that preserve open space and natural resources, and that are aesthetically pleasing and preserve the character of communities. Lastly, SCAG encourages the development of urban forms that avoid economic and social polarization and of reaching equity among all segments of society. The evaluation of the proposed project in relation to the following policies is intended to guide efforts toward achievement of such goals and does not infer regional interference with local land use powers.

1. *Core Growth Management Policies*

3.03 The timing, financing, and location of public facilities, utility systems, and transportation systems shall be used by SCAG to implement the region's growth policies.

SCAG staff comments: Many recent studies of solid waste management issues, at the state and local level, have concluded that landfill capacity in the Southern California area has and continues to be a critical issue to local governments. Recycling efforts and the recent economic downturn have only extended the time to address increased landfill capacity. Siting and expansion of landfills in the urban area has increasingly become more difficult, time consuming and costly. Consequently, the implementation of the proposed project could be considered as an action that would help cities and counties with their long term materials recovery and waste disposal options. This would be consistent with the objectives of the GMC to guide growth in the region and to mitigate its negative impacts.

1

2. *Ancillary Growth Management Policies*

Response to Comment 12-1

Comment acknowledged.

3.04 Encourage local jurisdictions' efforts to achieve a balance between the types of jobs they seek to attract and housing prices.

2

SCAG staff comments: The renovation and repopulation of the Eagle Mountain Townsite housing and community facilities, to enable the provision of worker housing for landfill employees close to their jobs, is consistent with this regional policy. Continued refurbishment of housing and provision of new worker housing, should help minimize the need for workers to travel to and from the landfill.

3.05 Encourage patterns of urban development and land use which reduce costs on infrastructure construction and make better use of existing facilities.

3

SCAG staff comments: The renovation and repopulation of the Eagle Mountain Townsite will help reduce the costs of future infrastructure construction by making better use of existing infrastructure (streets, water, sewer and electric).

3.08 Encourage subregions to define an economic strategy to maintain the economic vitality of the subregion, including the development and use of marketing programs, and other economic incentives, which support attainment of subregional goals and policies.

4

SCAG staff comments: The Eagle Mountain Landfill project is located within the Coachella Valley Association of Governments (CVAG) subregion. The landfill will provide a significant economic contribution to the subregion, as well as a substantial economic contribution to Riverside County government. The developer of the landfill is encouraged to work with CVAG and the County of Riverside to promote the economic benefits of the landfill.

3.09 Support local jurisdictions' efforts to minimize the cost of infrastructure and public service delivery, and efforts to seek new sources of funding for development and the provision of services.

5

SCAG staff comments: The Project supports the waste reduction and recycling goals embodied in AB 939. It does so by requiring that for waste to be acceptable at the landfill, local jurisdictions in the seven county service area must be in compliance with the waste reduction and diversion mandates of AB 939, or any subsequent laws addressing recycling or waste diversion mandates. This requirement should help to encourage local jurisdictions that plan to utilize the landfill for disposal of their waste to meet state recycling or waste diversion mandates. Provision of cost effective rail-haul-landfill capacity, will ultimately help local jurisdictions in Southern California minimize

Response to Comment 12-2

Comment acknowledged.

Response to Comment 12-3

Comment acknowledged.

Response to Comment 12-4

Comment acknowledged.

Response to Comment 12-5

Comment acknowledged.

the costs of solid waste infrastructure.

3.10 Support local jurisdictions' actions to minimize red tape and expedite the permitting process to maintain economic vitality and competitiveness.

6 SCAG staff comments: The Project sponsors have worked closely with local, state and federal agencies which have the responsibility for issuing the necessary permits for the Project. They have also cooperated with those federal agencies responsible for protecting environmental resources in the areas surrounding the Project, most notably the Bureau of Land Management, National Biological Service and National Park Service. These efforts are encouraged and supportive of this regional policy.

3.11 Support provisions and incentives created by local jurisdictions to attract housing growth in job-rich subregions and job growth in housing-rich subregions.

7 SCAG staff comments: See comments under policy 3.04.

3.16 Encourage developments in and around activity centers, transportation node corridors, underutilized infrastructure systems, and areas needing recycling and redevelopment.

8 SCAG staff comments: See comments under policy 3.04 and 3.05.

3.18 Encourage planned development in locations least likely to cause adverse environmental impact.

9 SCAG staff comments: The proposed landfill development is situated in an area that has been previously strip mined for iron ore. Development of the site for landfill operations will result in a wide range of actions and mitigation measures to minimize any adverse environmental impacts to level of insignificance. The project is therefore generally consistent with this policy.

3.19 Support policies and actions that preserve open space areas identified in local, state, and federal plans. National Forests shall remain permanently preserved and used as open space.

10 SCAG staff comments: The proposed landfill operation, although located at one point only 1.5 miles from the boundary of the Joshua Tree National Park (JTNP), should not adversely impact the character and use of the park. That portion of the JTNP located closest to the site is likely to be designated as wilderness as a result of a current planning

Response to Comment 12-6

Comment acknowledged.

Response to Comment 12-7

Comment acknowledged.

Response to Comment 12-8

Comment acknowledged.

Response to Comment 12-9

Comment acknowledged.

Response to Comment 12-10

Comment acknowledged.

effort. Given the distance of this area from the more intensely used portions of the park, it is unlikely that the landfill activity would significantly impact the wilderness experience. The Project includes a number of mitigation measures aimed at minimizing and/or addressing any negative environmental impacts on JTNP.

3.20 *Support the protection of vital resources such as wetlands, groundwater recharge areas, woodlands, production lands, and land containing unique and endangered plants and animals.*

SCAG staff comments: The Draft EIS/EIR addresses the protection of vital resources (production areas and land containing unique and endangered plants and animals) in a number of ways. The landfill site was previously mined for iron ore. Mining operations continued from 1948 through 1983, when economic conditions caused full-time mining operations to cease. Approximately 170 million short tons of ore would be recoverable if economic conditions were more favorable. Riverside County and Kaiser differ as to whether Kaiser retains mining rights. 11

A variety of unique and endangered plants and animals habit the site and surrounding vicinity, based on criteria established by both state and federal governments. Six BLM-sensitive, federally listed, or candidate species plants have been identified as potentially occurring within the Project site. One special status fish (Desert Pupfish) habits Salt Creek, which is traversed by the Eagle Mountain Railroad. Habitat will be lost for three special status reptiles (Common Chuckwalla, Flat-tailed Horned Lizard and Desert Tortoise). Habitat will also be diminished for a number of special-status birds and mammals. The Project proposes a wide ranging program to mitigate the impacts on these plant and animal species. Consultations and agreements will be entered into with a variety of agencies to assist in the preservation/protection efforts. A land exchange from Kaiser to BLM is proposed that will result in the BLM receiving nearly 2,500 acres of high quality habitat for the desert tortoise, desert pupfish and other plant and wildlife species. Kaiser will convey specific desert tortoise habitat to BLM on a 2.5 to 1 ratio. Kaiser will contribute funds to the University of California for an experimental pupfish replenishment program. Kaiser will pay the County of Riverside $1.00 per ton of waste disposed for an Environmental Mitigation Trust Fund to support species preservation efforts. These efforts should substantially help to mitigate adverse impacts and would be supportive of this regional policy.

3.22 *Discourage development, or encourage the use of special design requirements, in areas with steep slopes, high fire, flood, and seismic hazards.* 12

Response to Comment 12-11

Comment acknowledged.

Response to Comment 12-12

Comment acknowledged.

SCAG staff comments: The Project encompasses state of the art design features to protect ground and surface water features from landfill leachate infiltration. Landfill liners and construction features exceed both state and federal standards. Extensive seismic studies have verified that no Holocene faults are located in the vicinity of the landfill and that landfill design exceeds state and federal seismic standards. The project would therefore be consistent with this policy.

3.23 *Encourage mitigation measures that reduce noise in certain locations, measures aimed at preservation of biological and ecological resources, measures that would reduce exposure to seismic hazards, minimize earthquake damage, and develop emergency response and recovery plans.*

13 SCAG staff comments: See comments under policy 3.20 and 3.22. Rail noise levels on the Southern Pacific Railroad line, including Coachella and other residential areas along the valley would not be significant as a result of the 1 to 5 train per day increase in rail activity over current levels. Train traffic along the Eagle Mountain Railroad would be greater in the vicinity of the Project site and Townsite and could exceed County of Riverside noise standards. Diversion of half of the rail traffic to Rail Yard II, as is proposed, should reduce noise levels at the Townsite to an acceptable level. Some truck-related noise impacts could adversely impact the Townsite, but these can be mitigated by diverting truck traffic to Container Handling Yard II and by prohibiting nighttime truck traffic. Noise impacts on the Townsite resulting from landfill operations will be mitigated by use of noise barriers, walls or berms and by restricting hours of operation. During nighttime operations, all equipment will be located at least 6,000 feet from the landfill boundary nearest the receivers.

B. The Regional Mobility Chapter (RMC) also has policies, all of which are core, that pertain to the proposed project. This chapter links the goal of sustaining mobility with the goals of fostering economic development, enhancing the environment, reducing energy consumption, promoting transportation-friendly development patterns, and encouraging fair and equitable
14 access to residents affected by socio-economic, geographic and commercial limitations. Among the relevant policies in this chapter are the following:

4.28 *Growth in the demand for goods movement will be accommodated through the provision of adequate multi-modal and intermodal infrastructure that is consistent with overall regional goals, objectives, and policies.*

Response to Comment 12-13

Comment acknowledged.

Response to Comment 12-14

Comment acknowledged.

SCAG staff comments: While not viewed as "goods" in the traditional sense, municipal solid waste transported by rail has some similar characteristics. Therefore, the provision of intermodal infrastructure to facilitate the rail transport of municipal solid waste out of the urbanized part of Southern California, can be viewed as being consistent with this policy. Rail transport of waste will significantly reduce the volume of truck transport of waste to different close-in landfills, thus helping to reduce congestion on the region's highway network.

4.36 Arterial truck access routes will be coordinated for the purpose of improving system connectivity, eliminating circuitous routings, and reducing delays.

SCAG staff comments: The widening and extension of Eagle Mountain Road from Interstate 10 to the landfill site would facilitate transfer truck transport during the early years of the Project. The use of this arterial would be more advantageous than the more circuitous routing of traffic on the existing Kaiser Road.

4.38 Planning to accommodate multi-modal and inter-modal goods movement shall be an integral part of the land use and circulation elements of local government general plans and specific plans.

SCAG staff comments: An amendment to Riverside County's General Plan and a Specific Plan action are necessary to accommodate the proposed landfill and its associated inter-modal rail facilities.

C. The Water Quality Chapter includes core recommendations and policy options that may be applicable to this project. The recommendations and policy options relate to the two water quality goals: to restore and maintain the chemical, physical and biological integrity of the nation's water; and, to achieve and maintain water quality objectives that are necessary to protect all beneficial uses of all waters. No policies in this chapter are specifically applicable to the Project.

D. The Hazardous Waste Management Chapter includes core policies that may be applicable to this project. The policies relate to the two hazardous waste goals: to promote the following waste management hierarchy for hazardous wastes: 1) waste reduction 2) recycling and reuse 3) safe disposal; and, to ensure adequate, appropriate, and environmentally safe waste management capacity in the region. No policies in this chapter are specifically applicable to the Project.

E. The Air Quality Chapter includes policies that may be applicable to this project. These policies are presently being characterized as core and ancillary. No policies in this chapter are specifically applicable to the Project.

A. Ancillary Chapters

Response to Comment 12-15

Comment acknowledged.

Response to Comment 12-16

Comment acknowledged.

Response to Comment 12-17

Comment acknowledged.

Response to Comment 12-18

Comment acknowledged.

Response to Comment 12-19

Comment acknowledged.

Response to Comment 12-20

Comment acknowledged.

1. The Integrated Solid Waste Management Chapter (ISWM) is non mandated; it is provided for information and advisory purposes. The recommendations in the chapter fulfill the chapter's objectives and do not create new legal mandates for local governments or other regional governmental organizations, like sanitation or waste management districts. The chapter includes the following policy recommendations:

14.1 Developing recycling industries and self sustaining markets for recycled materials.

SCAG staff comments. The Project assumes that most solid waste arriving at the landfill site will have been processed through a Material Recovery Facility (MRF) or transfer station to remove major recyclable materials. Any recyclables recovered from Chuckwalla Valley area will be removed and transported to secondary recycling material processing facilities.

14.3 Economic impacts of increased waste management costs.

SCAG staff comments. The Project includes as an important goal to "accept waste only from jurisdictions in compliance with the waste diversion mandates of AB 939". In addition to curbside recycling programs, municipalities in Southern California use MRFs or transfer stations to help achieve the requirements of AB 939. It also is supportive of 21
the Riverside County Countywide Siting Element which identifies as a key implementation program to "review less expensive disposal options outside the Countywide system". These could include use of landfills in Orange or San Diego County; rail haul facilities, such as the proposed Eagle Mountain, Bolo Station or Mesquite regional landfills; or facilities in other states, such as the La Paz or Butterfield landfills in Arizona. The Draft EIS/EIR notes that the City of Indio is considering a proposal from a developed to develop and operate a transfer station in Indio. This facility could serve as a transfer point for Coachella Valley waste being hauled by transfer trailer to the Eagle Mountain landfill or other landfills in the county. All of these options have potential for reducing waste management costs for Riverside County residents, businesses and industries.

14.4 Promote new technologies.

SCAG staff comments. The Project will utilize "state of the art" geosynthetic landfill 22
liners for both base and side slopes (in excess of state and federal standards), leachate collection and removal system, active landfill gas extraction system, articulated "twin stack" rail cars, water tight waste containers and rail loading and unloading equipment.

14.5 Facilitating regional dialogue on intercounty waste disposal projects.

SCAG staff comments. As noted previously, the Project is supportive of the Riverside 23
County Countywide Siting Element which acknowledges the possible development of the proposed Eagle Mountain Landfill and Recycling Center. This rail haul landfill, singly

Response to Comment 12-21

Comment acknowledged.

Response to Comment 12-22

Comment acknowledged.

Response to Comment 12-23

Comment acknowledged.

or in conjunction with the Bolo Station and/or Mesquite regional landfills, could help meet the region's waste management needs for the foreseeable future. The Project's developer is encouraged to continue to work with SCAG, Riverside County's Waste Resources Management District, CVAG and other county's waste management agencies and in furthering the regional dialogue on these and other intercounty waste disposal projects.

CONCLUSION

24 As described above, the proposed Eagle Mountain Landfill and Recycling Center is generally consistent with pertinent policies in the Regional Comprehensive Plan and Guide.

Response to Comment 12-24

Comment acknowledged.

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

Roles and Authorities

THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS is a ***Joint Powers Agency*** established under California Government Code Section 6502 et seq. Under federal and state law, the Association is designated as a Council of Governments (COG), a Regional Transportation Planning Agency (RTPA), and a Metropolitan Planning Organization (MPO). Among its other mandated roles and responsibilities, the Association is:

- Designated by the federal government as the Region's ***Metropolitan Planning Organization*** and mandated to maintain a continuing, cooperative, and comprehensive transportation planning process resulting in a Regional Transportation Plan and a Regional Transportation Improvement Program pursuant to 23 U.S.C. §134(g)-(h), 49 U.S.C. §1607(f)-(g) et seq., 23 C.F.R. §450, and 49 C.F.R. §613. The Association is also the designated ***Regional Transportation Planning Agency***, and as such is responsible for both preparation of the Regional Transportation Plan (RTP) and Regional Transportation Improvement Program (RTIP) under California Government Code Section 65080.

- Responsible for developing the demographic projections and the integrated land use, housing, employment, and transportation programs, measures, and strategies portions of the ***South Coast Air Quality Management Plan***, pursuant to California Health and Safety Code Section 40460(b)-(c). The Association is also designated under 42 U.S.C. §7504(a) as a ***Co-Lead Agency*** for air quality planning for the Central Coast and Southeast Desert Air Basin District.

- Responsible under the Federal Clean Air Act for determining ***Conformity*** of Projects, Plans and Programs to the State Implementation Plan, pursuant to 42 U.S.C. §7506.

- Responsible, pursuant to California Government Code Section 65089.2, for ***reviewing all Congestion Management Plans (CMPs) for consistency with regional transportation plans*** required by Section 65080 of the Government Code. The Association must also evaluate the consistency and compatibility of such programs within the region.

- The authorized regional agency for ***Inter-Governmental Review*** of Programs proposed for federal financial assistance and direct development activities, pursuant to Presidential Executive Order 12,372 (replacing A-95 Review).

- Responsible for reviewing, pursuant to Sections 15125(b) and 15206 of the CEQA Guidelines, ***Environmental Impact Reports*** of projects of regional significance for consistency with regional plans.

- The authorized ***Areawide Waste Treatment Management Planning Agency***, pursuant to 33 U.S.C. §1288(a)(2) (Section 208 of the Federal Water Pollution Control Act)

- Responsible for preparation of the ***Regional Housing Needs Assessment***, pursuant to California Government Code Section 65584(a).

- Responsible (along with the San Diego Association of Governments and the Santa Barbara County/Cities Area Planning Council) for preparing the ***Southern California Hazardous Waste Management Plan*** pursuant to California Health and Safety Code Section 25135.3.

COMMENT LETTER 13

COUNTY SANITATION DISTRICTS
OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
Telephone: (310) 699-7411, FAX: (310) 695-6139

CHARLES W. CARRY
Chief Engineer and General Manager

September 13, 1996
File: 31R-10.10

RECEIVED
SEP 1 ' 1996
'ERSIDE CO
ING DEP

Mr. David Mares
County of Riverside
4080 Lemon Street, 9th Floor
Riverside, CA 92501

Dear Mr. Mares:

Draft Environmental Impact Report/Statement
Eagle Mountain Landfill And Recycling Center Project

The Sanitation Districts have reviewed the subject Draft EIR/S and have the following comments.

1 The document appears to provide a very comprehensive review of the existing and projected solid waste disposal needs of Los Angeles County as well as the Southern California region. As an operator of four disposal sites serving most of the 89 jurisdictions in Los Angeles County, the Sanitation Districts are concerned about the availability of landfill capacity as the existing network of sites are filled and closed. There is a clear need for new regional landfills, such as the Eagle Mountain site, as documented in the Draft EIR/S. The Sanitation Districts continue to be committed to implementing a waste-by-rail system as one component of a balanced and multifaceted approach to effectively manage the Districts' long-term waste disposal needs. Eagle Mountain Landfill would certainly be a viable option for a Sanitation Districts' waste by rail project, if the site is permitted to operate for waste importation by the County of Riverside.

If you have any questions concerning these comments please contact the undersigned at the above listed telephone number.

Very truly yours,

Charles W. Carry

Donald S. Nellor
Planning Section Head
Solid Waste Management Department

DSN:leh

Response to Comment 13-1

Comment acknowledged.

COMMENT LETTER 14

CVAG

COACHELLA VALLEY ASSOCIATION of GOVERNMENTS

- Cathedral City
- Coachella
- Desert Hot Springs
- Indian Wells
- Indio
- La Quinta
- County of Riverside
- Palm Desert
- Palm Springs
- Rancho Mirage

RIVERSIDE, CA

September 24, 1996

Eagle Mountain Landfill and Recycling Center Project
Bureau of Land Management
6221 Box Springs Boulevard
Riverside, CA. 92507

RE: COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT FOR EAGLE MOUNTAIN LANDFILL & RECYCLING CENTER PROJECT

The attached comments are submitted on behalf of the CVAG Solid Waste & Recycling Technical Working Group. Due to the meeting schedule in September, there has been no official action taken on the comments by the Executive Committee as yet. The Technical Advisory Committee reviewed the comments on September 13 and concurred with the TWG comments, and the Executive Committee will be asked to consider and approve the comments on September 30, 1996. I will formally notify BLM of the actions taken by the Executive Committee, and will submit any additional comments or changes that they make.

Please feel free to contact me if you have any questions.

Sincerely,

Diana Beck
Director of Planning

73-710 Fred Waring Drive, Suite 200 • Palm Desert, CA 92260 • (619) 346-1127 • FAX (619) 340-5949

COMMENTS ON EAGLE MOUNTAIN LANDFILL PROJECT
DRAFT ENVIRONMENTAL IMPACT STATEMENT/
ENVIRONMENTAL IMPACT REPORT

The Bureau of Land Management and Riverside County have issued a Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Eagle Mountain Landfill and Recycling Center Project, proposed by Mine Reclamation Corporation and Kaiser Eagle Mountain, Inc. CVAG Staff has prepared comments on the project based on three facts:

1. The proposed Eagle Mountain Landfill Project is a project of regional significance that will have regional and local impacts, and

2. CVAG jurisdictions recognize that local landfill conditions warrant looking outside the Coachella Valley for long term landfill capacity, and

3. Mine Reclamation Corporation submitted a "Proposal for Solid Waste Disposal Services" in response to a "Request For Proposals for Long Term Landfill Capacity, October 1995", issued by the CVAG Transfer Station Task Force. The MRC proposal was one of seven received and under consideration by the Task Force.

Taken together, these facts support and justify the need for CVAG to review and comment on the technical aspects of the EIS/EIR. Historically, CVAG's Solid Waste & Recycling Technical Working Group has prepared comments on projects of regional significance. The facility proposed by Mine Reclamation Corporation has regional significance, and will be under consideration as a final disposal site for Coachella Valley waste.

Comments prepared by CVAG Staff, with direction from a Technical Review Team, were presented to the Solid Waste & Recycling Technical Working Group on September 5, 1996, and to the Technical Advisory Committee on September 13. Recommendations from each committee will be forwarded to the Executive Committee, which will be asked to approve the comments at the September 30 Executive Committee meeting. Since the deadline for comments is September 17, 1996, formal notice of action taken by the Executive Committee will follow submittal of these comments.

COACHELLA VALLEY ASSOCIATION of GOVERNMENTS

14-1 | page 1-47 Air Quality. The names of the air basins were recently changed and should be reflected. The attached map shows the basin names, and the EIR should probably identify all three.

14-2 | It is suggested that the language related to the use of clean fuel be stronger. It is suggested that clean fuel should be a very high priority, and should be given more consideration than preferential use.

14-3 | There should be a discussion of potential effect of the project on the non-attainment status of each district affected by the project.

14-4 | Page 1-57 Wind fencing and street sweepers should be identified as methods to keep sand off of paved roads, thus reducing the potential for reintrainment of PM 10.

Response to Comment 14-1

Comment noted and the changes have been made in the Final EIS/EIR.

Response to Comment 14-2

The use of clean fuels is a high priority for the proposed Project. As discussed in the Draft EIS/EIR (Appendix E, Part 4.6), the use of low-emission diesel fuel for waste haul trucks, landfill equipment, and locomotives is a mitigation measure for the proposed Project. The mitigation measures for the proposed Project also include a feasibility study of the use of alternative fuels, such as natural gas, by the locomotives and a feasibility study of electrifying the Eagle Mountain railway.

Response to Comment 14-3

As discussed in the Draft EIS/EIR, the proposed Project is expected to have a beneficial effect on the air quality in the South Coast Air Basin (SCAB) compared to the No Action Alternative (Appendix E, Part 7.4). In the Southeast Desert Air Basin (SEDAB), there will be an increase in emissions due to the proposed Project. However, as discussed in the Draft EIS/EIR (Appendix E, Part 4.7.3), the proposed Project with mitigation is not expected to result in a violation of the state or national standards for NO_2, SO_2, or CO even in combination with background ambient levels. For PM_{10}, Project impacts alone are not expected to exceed state or national standards. The state and national 24-hour average PM_{10} standards, however, are exceeded in the absence of the Project, and the Project's impacts are expected to exacerbate violations of this standard. Consequently, the proposed Project is not expected to affect the attainment or nonattainment status for any pollutant for either the SCAB or SEDAB.

Response to Comment 14-4

The use of vacuum sweepers and/or water flushing of onsite paved roads is a proposed mitigation measure for the proposed Project (Draft EIS/EIR, Appendix E, Part 4.6.3). The use of wind fences to keep sand off of onsite

14-5 Page 1-60 4.13 Noise. The analysis of existing conditions does not appear to differentiate noise levels, and background noise, by time of day (i.e. evening/day/night noise levels)..ambient levels of noise would be more noticeable at night.

14-6 It would be very helpful if a site plan, which shows roads and facility features of the town, were included with the discussion of noise impacts. The site plan should also include the hours of operation for all facility features, so it is possible to associate noise sources with hours when they will be operating.

Mitigation Fees General Comment:

In a report entitled "Eagle Mountain Landfill & Recycling Center Economic Impact On Coachella Valley, Riverside County & Inland Empire", by John E. Husing, Ph.D., a statement is made on page 12 regarding host fees. The text states:

> "Host fees, estimated at $2.58 per ton on waste from Southern California ($164 million for 20 year period).
>
> 14-7 Host fees would be paid to Riverside County for permitting the Eagle Mountain Landfill & Recycling Center to operate. The fee rate is estimated as ten percent of the rate per ton which would be charged to Southern California jurisdictions outside of the county, not including transportation costs. That rate is assumed to e $25.75. Ten percent yields a fee of $2.58 per ton."

Riverside County and Cities of the Coachella Valley, through CVAG, are exploring mechanisms to assist the County and the Waste Resources Management District in funding shortfalls related to system wide landfill closure, postclosure and remediation costs. In the past, CVAG has requested that all import fees derived from the El Sobrante project go to the "system" to offset these shortfalls. A portion of the import fees anticipated from the El Sobrante Expansion project have been identified by the Board of Supervisors to be used for this purpose, but the amount dedicated to the closure shortfall will be insufficient to cover the deficit.

In the event that the Eagle Mountain project is approved, and imported waste is accepted, then host/import fees from the project should be used to fund all remaining system wide closure, postclosure, and remediation shortfalls that are attributed to the Coachella Valley cities by District.

Once liabilities and short falls for the system wide closure, post closure, and remediation costs have been met, the County should discuss with CVAG, the Cities of the Coachella Valley, or some other appropriate regional entity, how monies could best be directed to fund projects of regional significance. Projects of regional significance might address such issues related to air quality, at-grade rail crossings, waste management and recycling. Funding priorities should reflect local concerns, and should be set in a manner acceptable to Valley jurisdictions. Additionally, funding priorities should be subject to periodic review to determine how expenditure of mitigation funds would best address the regional needs of the Coachella Valley.

14-8 The Cities of the Coachella Valley have asked before, and request once again, that they be given an opportunity to participate in the development agreement negotiation process for the Eagle Mountain Landfill project.

paved roads is not considered feasible for the proposed Project due to the rocky terrain in and around the Project site.

Response to Comment 14-5

The page referred to by the commenter is the summary table of impacts; the level of detail requested in the comment is contained in Section 4.13, Noise, of the Draft EIS/EIR. In that section, the impacts associated with rail and vehicular traffic and with landfill operations and construction currently differentiates between daytime and nighttime levels. In addition, Section 4.13 discusses noise levels in the context of the operating hours of the landfill, and delineates the noise impacts in accordance with the significance standards established in Section 4.13.1.2.

Response to Comment 14-6

Site plans are contained in Section 2, Project Description. Hours of operation are discussed in Section 2 and in Section 4.13. Also see Response to Comment 14-5.

Response to Comment 14-7

The County of Riverside has not yet made a decision about the activities to which the funds from the Project will be applied.

Response to Comment 14-8

The cities in the Coachella Valley, as well as all other interested parties, will be provided with an opportunity to comment on the draft development agreement.

Public Hearings

COMMENT STATEMENT 15

CERTIFIED COPY

EAGLE MOUNTAIN LANDFILL

AND

RECYCLING CENTER PROJECT

BUREAU OF LAND MANAGEMENT

HEARING

AUGUST 5, 1996

TAKEN AT LAKE TAMARISK CLUBHOUSE

26-251 PARKVIEW

DESERT CENTER, CALIFORNIA

YATES & ASSOCIATES
CERTIFIED COURT & DEPOSITION REPORTERS
73-255 EL PASEO / SUITE 15
PALM DESERT, CA 92260-4276
619 / 341-4431
FAX 619 / 568-9338

MEMBERS OF CALIFORNIA COURT REPORTERS ASSOCIATION AND NATIONAL SHORTHAND REPORTERS ASSOCIATION

I N D E X

APPEARANCES:

JULIA DOUGAN, AREA MANAGER
PALM SPRINGS-SOUTH COAST RESOURCE AREA

CARL ROUNTREE, HEARING OFFICER
BUREAU OF LAND MANAGEMENT, SACRAMENTO OFFICE

TOM PETERS, CH2M HILL

CHRISTINE ROBERTS, CH2M HILL

SPEAKERS:		PAGE
1	KAREN OVERMAN	16
2	PATRICIA AIKIN	17
3	BOB ANDERSON	19
4	GERALD FAWCETT	20
5	DONNA CHARPIED	22
6	L. DEAN PRIMMER	24
7	NOEL BRUSH	25
8	LARRY CHARPIED	25
9	TOM AIKIN	29
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11	STERLING E. SCOTT	34

DESERT CENTER, CALIFORNIA, MONDAY, AUGUST 5, 1996

(HEARING COMMENCED AT 6:00 P.M.)

JULIA DOUGAN: GOOD EVENING. I'M JULIA DOUGAN AND I'M THE AREA MANAGER OF THE PALM SPRINGS-SOUTH COAST RESOURCE AREA OF THE BUREAU OF LAND MANAGEMENT. I WOULD LIKE TO THANK ALL OF YOU FOR TAKING TIME OUT OF WHAT I'M SURE ARE BUSY SCHEDULES TO COME AND GIVE US YOUR INPUT ON THE ENVIRONMENTAL IMPACT STATEMENT FOR THE EAGLE MOUNTAIN LANDFILL PROJECT.

I'D LIKE TO TAKE A MOMENT TO GO OVER HOW WE WILL BE PROCEEDING TONIGHT. THE HEARING WILL BE CONDUCTED BY A HEARING OFFICER. HE WILL TELL YOU HOW HE IS GOING TO RUN IT, AND THEN WE WILL HAVE A SHORT PRESENTATION ON THE PROJECT, THEN WE WILL OPEN IT UP TO PUBLIC COMMENT, AND WE HOPE TO BE FINISHED BY 9:00 O'CLOCK.

SO NOW I WOULD LIKE TO TURN IT OVER TO THE HEARING OFFICER, CARL ROUNTREE.

MR. ROUNTREE: THANK YOU VERY MUCH.

GOOD EVENING, EVERYONE. I'D LIKE TO GO AHEAD AND OFFICIALLY CALL THIS HEARING TO ORDER. MY NAME, AS JULIE POINTED OUT TO YOU, IS CARL ROUNTREE. I'M WITH THE BUREAU OF LAND MANAGEMENT'S CALIFORNIA STATE OFFICE IN SACRAMENTO, CALIFORNIA.

THIS IS A PUBLIC HEARING FOR THE DEPARTMENT OF INTERIOR'S BUREAU OF LAND MANAGEMENT. I WOULD LIKE TO

EMPHASIZE THAT THIS IS A HEARING THAT IS BEING HELD TO RECEIVE INFORMATION, VIEWS, COMMENTS AND SUGGESTIONS ON THE ADEQUACY OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT AND THE ENVIRONMENTAL IMPACT REPORT FOR THE EAGLE MOUNTAIN LANDFILL AND RECYCLING CENTER. THIS DOCUMENT WAS PREPARED BY THE BUREAU OF LAND MANAGEMENT, THE COUNTY OF RIVERSIDE, UNDER CONTRACT WITH CH2M HILL.

FOLLOWING MY OPENING REMARKS, A BRIEF PRESENTATION WILL BE MADE BY TOM PETERS FROM CH2M HILL. AFTER MR. PETERS COMPLETES THE PROJECT OVERVIEW, I WILL BE CALLING ON INDIVIDUALS WHO HAVE SIGNED UP TO MAKE COMMENTS AT THIS HEARING.

THE EAGLE MOUNTAIN DRAFT ENVIRONMENTAL IMPACT STATEMENT, ENVIRONMENTAL IMPACT REPORT WAS OFFICIALLY RELEASED BY THE BUREAU OF LAND MANAGEMENT FOR REVIEW ON JULY 12, 1996, AND THE NOTICE OF AVAILABILITY WAS PUBLISHED IN THE FEDERAL REGISTER ON JULY 12, 1996. A 60-DAY COMMENT PERIOD IS NOW UNDER WAY.

WITH THE EXCEPTION OF COMMENTS THAT WE WILL RECEIVE AT THE PUBLIC HEARING THIS EVENING, COMMENTS WILL BE ACCEPTED IN WRITING ONLY THROUGH SEPTEMBER 17, 1996. COMMENTS MUST EITHER BE SUBMITTED TO THE BUREAU OF LAND MANAGEMENT'S RIVERSIDE OFFICE IN RIVERSIDE, CALIFORNIA, OR TO THE COUNTY OF RIVERSIDE PLANNING DEPARTMENT IN RIVERSIDE, CALIFORNIA, ALSO.

A TOTAL OF FOUR PUBLIC HEARINGS, INCLUDING THIS

PUBLIC HEARING, WILL BE HELD IN CONNECTION WITH THE PROJECT. THIS ONE THIS EVENING, AUGUST 6TH IN PALM SPRINGS, TOMORROW NIGHT, AUGUST 7TH IN YUCCA VALLEY, AND ONE MORE ON AUGUST 8TH IN RIVERSIDE.

A HANDOUT CONTAINING THE DATES, THE TIMES AND LOCATIONS OF ALL FOUR OF THESE PUBLIC HEARINGS IS AVAILABLE AT THE SIGN-IN DESK, IF YOU DIDN'T PICK ONE UP ALREADY.

THE COUNTY OF RIVERSIDE WILL BE CONDUCTING ADDITIONAL PUBLIC HEARINGS BEFORE THE COUNTY PLANNING COMMISSION AND THE BOARD OF SUPERVISORS ON THE FINAL ENVIRONMENTAL IMPACT STATEMENT, ENVIRONMENTAL IMPACT REPORT AND COUNTY LAND USE ENTITLEMENTS AFTER THE FINAL ENVIRONMENTAL IMPACT STATEMENT AND REPORTS ARE PUBLISHED.

THE PURPOSE, AGAIN, OF THESE HEARINGS IS TO PROVIDE YOU WITH AN OPPORTUNITY TO VERBALLY ADDRESS THE CONTENT OF THE DOCUMENT FOR THE EAGLE MOUNTAIN LANDFILL PROJECT. WE WILL NOT, AND I EMPHASIZE, WE WILL NOT BE ANSWERING QUESTIONS AT THIS HEARING. IF YOU HAVE ANY QUESTIONS ABOUT THE PROJECT, AND I WOULD ENCOURAGE YOU TO PLEASE ADDRESS THEM IN WRITING TO EITHER THE BUREAU OF LAND MANAGEMENT OR THE COUNTY OF RIVERSIDE AT THEIR OFFICES IN RIVERSIDE, AND THEY WILL BE ANSWERED FORMALLY IN WRITING.

AT THIS POINT, I WOULD LIKE TO TURN THE FLOOR OVER TO TOM PETERS WHO WILL PRESENT AN OVERVIEW OF THE PROPOSED EAGLE MOUNTAIN PROJECT. TOM.

TOM PETERS: THANK YOU, MR. ROUNTREE.

GOOD EVENING EVERYONE. MY NAME IS TOM PETERS. I'M THE PROJECT MANAGER OF THE CH2M HILL. WE WERE THE FIRM THAT WAS PRIMARILY RESPONSIBLE FOR PREPARING THE ENVIRONMENTAL IMPACT STATEMENT AND THE IMPACT REPORT FOR THE LEAD AGENCY, THE BUREAU OF LAND MANAGEMENT IN RIVERSIDE COUNTY. OUR PRIMARY PURPOSE TONIGHT IS TAKE TESTIMONY FROM YOU, SO I'M GOING TO BE VERY BRIEF IN MY PRESENTATION, AND WOULD LIKE TO JUST COVER A FEW POINTS WITH YOU TONIGHT, AND YOU ALL CAN SEE THIS.

THERE ARE SEVERAL AREAS I WANT TO COVER BRIEFLY. FIRST IS A HISTORY OF THE EAGLE MOUNTAIN ENVIRONMENTAL IMPACT STATEMENT AND IMPACT REPORT. AND I'M SURE MANY OF YOU KNOW THAT THERE HAS BEEN A PREVIOUS DOCUMENT PREPARED. I'D'LIKE TO JUST TOUCH ON THE E.I.S./E.I.R. PROCESS, BRIEFLY DESCRIBE THE PROJECT, AND THEN TALK FOR A MOMENT ABOUT THE DIFFERENT ALTERNATIVES THAT ARE CONSIDERED IN THE DOCUMENT.

IN 1992, RIVERSIDE COUNTY CERTIFIED THE ENVIRONMENTAL IMPACT REPORT, AND IN 1993 THE BUREAU OF LAND MANAGEMENT RECORDED ITS RECORD OF THE DECISION ON THE ORIGINAL IMPACT STATEMENT THAT WAS PREPARED FOR THE PROJECT. DURING 1990 -- SUBSEQUENT TO THE ADOPTION AND CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT, A LAWSUIT WAS FILED IN THE STATE COURT CHALLENGING SEVERAL ISSUES AND THE ADEQUACY OF THE ORIGINAL DOCUMENT.

IN 1994, THE COURT FOUND THAT THERE WERE SEVERAL ISSUES THAT NEEDED TO BE CONSIDERED, SO THERE WAS A REVISED

DOCUMENT THAT WAS BEGUN AND PREPARED DURING 1995. THE COURT'S DECISION REQUIRED AND SPECIFIED THAT SEVERAL ISSUES BE DISCUSSED IN THE REVISED DOCUMENT, AND THESE INCLUDED LOOKING AT SEISMIC ACTIVITY AND THE POTENTIAL IMPACT THAT MIGHT HAVE ON THE DESIGN AND OPERATION OF THE LANDFILL, THE EFFECTIVENESS OF MITIGATION MEASURES ON THE DESERT; OF COURSE, THE POTENTIAL IMPACT TO JOSHUA TREE NATIONAL MONUMENT, WHICH SUBSEQUENT TO 1992 HAS NOW BECOME A NATIONAL PARK, JOSHUA TREE NATIONAL PARK.

THE COURT ALSO ASKED THAT ADDITIONAL CONTAMINATION SURVEYS -- THEY'RE CALLED LEVEL 1 CONTAMINANT SURVEYS -- BE CONDUCTED BY THE BUREAU OF LAND MANAGEMENT TO DETERMINE IF THERE IS SOME HAZARDOUS WASTE THAT EXISTS ON THE SITE TODAY.

THE COURT ALSO DIRECTED THAT THE TOWNSITE BE CONSIDERED. THE PREVIOUS DOCUMENT COVERED SOME AREAS, CONSIDERED -- ADDRESSED SOME AREAS ASSOCIATED WITH THE TOWNSITE, BUT THE COURT REQUIRED THAT ADDITIONAL STUDIES BE DONE THERE.

THE COURT ALSO DIRECTED THAT THE CUMULATIVE IMPACTS, THE POTENTIAL CUMULATIVE IMPACTS OF THE PROJECT, ESPECIALLY THOSE PERTAINING TO THE EAGLE CREST HYDROELECTRIC PROJECT, ALSO BE ADDRESSED IN THE REVISED DOCUMENT.

THE PURPOSE OF THE ENVIRONMENTAL IMPACT STATEMENT AND IMPACT REPORT IS TO ADDRESS THE POTENTIAL IMPACTS OF THE EAGLE MOUNTAIN LANDFILL PROJECT. THIS IS A JOINT DOCUMENT BY THAT, AND IT IS A JOINT FEDERAL ENVIRONMENTAL IMPACT

STATEMENT AND STATE ENVIRONMENTAL IMPACT REPORT. THE RESPECTIVE LEAD AGENCIES, AS CARL MENTIONED, ARE THE BUREAU OF LAND MANAGEMENT FOR THE FEDERAL PROCESS, AND THE COUNTY OF RIVERSIDE FOR THE STATE PROCESS.

WHERE WE ARE AT THE MOMENT IS THAT IN JULY OF 1996, A DRAFT ENVIRONMENTAL IMPACT STATEMENT AND IMPACT REPORT WAS PUBLISHED. THERE IS A 60-DAY REVIEW PERIOD FOR THE PUBLIC AND FOR PUBLIC AGENCIES TO PROVIDE COMMENTS ON THE DOCUMENT. AND THOSE COMMENTS WILL TAKE THE FORM BOTH IN WRITTEN TESTIMONY AND THE COMMENTS THAT EACH OF YOU MAY PRESENT THIS EVENING.

AFTER THE PUBLIC TESTIMONY IS RECEIVED, A FINAL ENVIRONMENTAL IMPACT STATEMENT AND IMPACT REPORT WILL BE PREPARED, AND THAT WILL RESPOND TO ALL THE ISSUES AND QUESTIONS THAT ARE BROUGHT UP DURING THIS REVIEW PROCESS. FROM THERE, THE BLM WILL EXAMINE AND WEIGH THE DIFFERENT ALTERNATIVES THAT ARE CONSIDERED IN THE DOCUMENT, CONSIDER THE COMMENTS THAT ARE MADE, AND MAKE ITS NEW RECORD OF DECISION ABOUT WHICH ALTERNATIVE WILL BE RECOMMENDED IN THE PROCESS.

THE COUNTY OF RIVERSIDE WILL ALSO HOLD ADDITIONAL PUBLIC HEARINGS LATER THIS YEAR, AND EVENTUALLY IT WILL GO TO THE COUNTY BOARD OF SUPERVISORS FOR THEIR CONSIDERATION.

THE PROJECT REALLY COMPRISES THREE PRIMARY FEATURES: THERE ARE LAND EXCHANGES AND RIGHTS OF WAY THAT THE BLM MUST CONSIDER GRANTING BEFORE THE LANDFILL AND THE

ASSOCIATED FACILITIES CAN BE DEVELOPED; THE PROJECT ALSO INCLUDES DEVELOPMENT OF A CLASS III (INAUDIBLE) LANDFILL THAT IS A NONHAZARDOUS WASTE LANDFILL; AND THE THIRD COMPONENT IS THE RENOVATION AND REPOPULATION OF THE TOWNSITE, WHICH I'M SURE MANY OF YOU KNOW IS LOCATED JUST UP KAISER ROAD.

THE LANDFILL ITSELF WILL PRIMARILY ACCEPT WASTE BY RAIL. THE AMOUNT OF WASTE THAT IS RECEIVED AT THE SITE WILL INCREMENTALLY INCREASE WITH TIME AND WILL BEGIN WITH A MUCH SMALLER VOLUME THAN THE ULTIMATE CAPACITY, WHICH IS PROJECTED TO BE AS MUCH IS 20,000 TONS PER DAY. IT'S ABOUT 4,654 ACRES IN THE AREA, AND THE LANDFILL SITE, ITSELF, IS ABOUT HALF THAT ACREAGE. THE LANDFILL WILL ACCEPT SMALL AMOUNTS OF WASTE BY TRUCK, PRIMARILY BY TRANSPORT TRUCK, BUT THE VAST MAJORITY OF THE WASTE WILL BE BROUGHT TO THE SITE BY RAIL.

ONE OF THE COMMENTS THAT CAME UP DURING THE SCOPING MEETINGS THAT WERE HELD EARLY IN THE PROCESS TO DETERMINE WHAT ISSUES SHOULD BE CONSIDERED IS THE ISSUE OF CAPACITY AND NEED FOR ADDITIONAL LANDFILL SPACE IN THE COUNTY. ONE OF THE IMPORTANT THINGS THE ENVIRONMENTAL STATEMENT AND IMPACT REPORT CONSIDERS IS WHAT CAPACITY EXISTS NOW AND AT WHAT POINT THAT CAPACITY WILL BE REACHED AND WHAT WILL BE NEEDED.

WHAT THE E.I.S. CONCLUDED WAS THAT THERE IS A MID-TERM AND LONG-TERM CAPACITY SHORTFALL. THERE IS ADEQUATE LANDFILL CAPACITY AT THE MOMENT TO DEAL WITH OR TO ACCOMMODATE THE WASTE THAT IS GENERATED IN SOUTHERN CALIFORNIA, BUT WITHIN THE NEXT 10 YEARS WE WILL SEE THAT

CAPACITY REACHED.

AND YOU SEE -- THIS PARTICULAR TABLE IS FROM THE ENVIRONMENT IMPACT STATEMENT. WHAT IT SHOWS IS THAT CURRENTLY THERE IS MORE CAPACITY THAN WASTE GENERATED. BUT BY THE YEAR 2005, WHAT WE SEE IS THE AMOUNT OF CAPACITY IS LESS THAN THE ANTICIPATED WASTE THAT IS GENERATED IN SOUTHERN CALIFORNIA, SO THAT AS TIME INCREASES AND THE CURRENT LANDFILL CAPACITY IS THEN PERMITTED AND ALLOWED TO DECREASE, THERE WILL BE ADDITIONAL NEED OVER THE MID- AND LONG TERM.

THE OTHER COMPONENT OF THE PROJECT THAT IS DISCUSSED IN THE ENVIRONMENTAL IMPACT STATEMENT AND IMPACT REPORT IS THE TOWNSITE ITSELF. THERE IS A SPECIFIC PLAN THAT IS REQUIRED FOR THE TOWNSITE, AND THE E.I.S. DESCRIBES' SEVERAL DIFFERENT PLANNING AREAS WITHIN THE TOWNSITE. THIS INCLUDES FUTURE COMMERCIAL, INDUSTRIAL, RESIDENTIAL AND DEVELOPMENT AREAS INSIDE THE TOWNSITE. THE TOWNSITE ITSELF COMPRISES ABOUT 429 ACRES.

THE ENVIRONMENTAL IMPACT STATEMENT CONSIDERS SEVERAL DIFFERENT ALTERNATIVES. THE BUREAU OF LAND MANAGEMENT HAS NOT IDENTIFIED AS YET A PREFERRED ALTERNATIVE, SO EACH OF THESE ALTERNATIVES IS EXAMINED IN THE ENVIRONMENTAL IMPACT STATEMENT. THE FIRST IS THE PROPOSED ACTION WHICH INCLUDES THE DEVELOPMENT OF THE LANDFILL AND REPOPULATION OF THE TOWNSITE AND THE LAND EXCHANGES.

THE OTHER ACTION THAT IS REQUIRED UNDER FEDERAL AND STATE LAW IS THAT YOU LOOK AT NO PROJECT OR A NO ACTION

ALTERNATIVE. AND THIS WOULD MEAN THAT THE LANDFILL WOULD NOT BE CONSTRUCTED AND THE TOWNSITE NOT REDEVELOPED. SO THE IMPACTS OF THAT ALTERNATIVE ARE ALSO EXAMINED.

THE IMPACT STATEMENT ALSO LOOKS AT A REDUCED VOLUME; INSTEAD OF 20,000 TONS PER DAY, 16,000 TONS PER DAY PER ANNUM, AND THE IMPACTS OF THAT REDUCED VOLUME ANALYZED.

THE IMPACT STATEMENT ALSO ADDRESSES AN ALTERNATE ACCESS ROAD. THE PROPOSED ACCESS IS VIA EAGLE MOUNTAIN ROAD, WHICH WOULD BE IMPROVED TO ACCOMMODATE THE ADDITIONAL TRUCK TRAFFIC. THE ALTERNATE ACCESS ROAD WOULD BE KAISER ROAD. AND THE IMPACT STATEMENT LOOKS AT THE DIFFERENT IMPACTS ASSOCIATED WITH TRUCKS USING BOTH OF THOSE ROADS.

ANOTHER ALTERNATIVE WAS LOOKING AT WHICH IS RAIL ACCESS ONLY, EXCLUDING TRUCK TRAFFIC AND WASTE BY TRUCK. THERE'S ALSO AN ALTERNATIVE THAT EXAMINES DEVELOPING THE LANDFILL ON KAISER LANDS ONLY, IN OTHER WORDS, NOT REQUIRE THE EXTENT OF THE LAND EXCHANGES THAT ARE PROPOSED UNDER THE PROPOSED ACTION. AND FINALLY, THERE IS A LANDFILL DEVELOPMENT ALTERNATIVE WHICH INCLUDES NO DEVELOPMENT OF THE TOWNSITE.

THERE ARE SEVERAL OTHER ALTERNATIVES THAT WERE EXAMINED EARLY IN THE PROCESS BUT ELIMINATED FROM FURTHER CONSIDERATION, AND THIS WAS BASED ON INPUT FROM THE PUBLIC. IT WAS BASED ON ANALYSIS THAT A NUMBER OF EXPERTS AND AGENCY PEOPLE HAD CONDUCTED DURING THE COURSE OF THE PREPARATION OF THE E.I.S.

ONE WAS THE LANDFILL ON KAISER PROPERTY ONLY; ONE WAS WASTE DIVERSION, IN OTHER WORDS, LOOKING AT WASTE DIVERSION AS AN ALTERNATIVE TO LANDFILL DEVELOPMENT; OFF-SITE LANDFILL LOCATIONS WERE ALSO CONSIDERED; LANDFILL MINING, COMPOSTING, AND OTHER TOWNSITE LOCATIONS.

SO THE ENVIRONMENTAL IMPACT STATEMENT ADDRESSES EACH OF THESE ISSUES AND EXPLAINS THE REASONS THAT THESE ALTERNATIVES WERE ELIMINATED FROM FURTHER CONSIDERATION. WE HAVE SUMMARIES AT THE BACK OF THE ROOM WHICH PROVIDE TABLES THAT LIST THE ENVIRONMENTAL IMPACT STATEMENT'S MITIGATION MEASURES FOR EACH OF THE PROPOSED ALTERNATIVES.

VERY BRIEFLY, THERE ARE SEVERAL IMPACTS THAT CANNOT BE FULLY MITIGATED, SO I'M JUST GOING TO TAKE A SECOND AND LIST THOSE FOR YOU. BUT I ENCOURAGE YOU TO GET COPIES OF THE ENVIRONMENTAL IMPACT STATEMENT AND THE SUMMARIES AT THE BACK OF THE ROOM BECAUSE THESE LIST THESE IMPACTS IN MUCH GREATER DETAIL. AND THEY ALSO GO INTO DETAIL OF THE MITIGATION MEASURES AND MEASURES THAT WOULD BE TAKEN TO REDUCE AND ELIMINATE IMPACTS.

THE FIRST IS AIR EMISSIONS. THE PROJECT WILL HAVE AN IMPACT ON AIR QUALITY THAT CANNOT BE FULLY MITIGATED. AS SOME OF YOU MAY KNOW, THE SO-CALLED PM10 PARTICLES, THE PARTICULATE MATTER OF 10 MICRONS OR LESS IN SIZE, ALREADY EXCEED AMBIENT STANDARDS IN THE AREA. SO ANY ADDITION OF ANY KIND WOULD CONSTITUTE AN IMPACT THAT COULD NOT BE FULLY MITIGATED.

AND THERE IS AND WILL BE A REDUCTION OF BAT POPULATIONS. THERE ARE THREE SPECIES OF BAT KNOWN TO INHABIT THE OLD MINE, AND THESE POPULATIONS HAVE BEEN DECREASING FOR A NUMBER OF YEARS. I NOTICED THAT THERE WAS AN ARTICLE IN THE "PRESS ENTERPRISE" RECENTLY THAT INDICATED THAT THESE SPECIES OF BAT WERE ON THE RARE AND ENDANGERED SPECIES LIST, AND THAT IS INCORRECT, THEY ARE NOT ON THE ENDANGERED OR THREATENED SPECIES LIST.

ONE IMPACT THAT WE DID CONCLUDE THAT ALSO COULD NOT BE FULLY MITIGATED BELOW A LEVEL OF SIGNIFICANT IMPACT WAS THE IMPACT TO AN INDIVIDUAL'S WILDERNESS EXPERIENCE. EVERYBODY'S REACTION TO THE WILDERNESS IS VERY, VERY DIFFERENT, AND WE HAVE QUITE A LENGTHY SECTION IN THE ENVIRONMENTAL IMPACT STATEMENT THAT ADDRESSES THE POTENTIAL IMPACTS ON THE WILDERNESS EXPERIENCE. BECAUSE IT CAN'T BE QUANTIFIED, BECAUSE STATE LAW REQUIRES AREAS WHERE YOU CAN'T QUANTIFY THE IMPACT, IT REQUIRES A MANDATORY FINDING OF SIGNIFICANT IMPACT, SO WE HAVE CONCLUDED IN THE IMPACT STATEMENT THAT THERE IS A POTENTIAL IMPACT TO THE EXPERIENCE OF THE WILDERNESS.

AND FINALLY THERE ARE CUMULATIVE IMPACTS THAT ALSO CANNOT BE FULLY MITIGATED. THE LAW REQUIRES THAT YOU LOOK NOT ONLY AT THE IMPACT OF THE PROPOSED PROJECT, BUT TAKE INTO CONSIDERATION THE IMPACT OF OTHER PROPOSED PROJECTS, SUCH AS THE PROPOSED HYDROELECTRIC PROJECT, THE EAGLE CREST ENERGY CORPORATION PROPOSAL TO DEVELOP A PUMP STORAGE PROJECT IN THE

SAME GENERAL AREA. SO THE ENVIRONMENTAL IMPACT STATEMENT AND IMPACT REPORT ADDRESSES THE POTENTIAL CUMULATIVE IMPACTS, AND THOSE ARE DETAILED IN THE IMPACT STATEMENT.

I KNOW THAT'S A SHORT OVERVIEW, BUT AGAIN, OUR PURPOSE TONIGHT IS TO GIVE YOU A CHANCE TO TELL US ABOUT YOUR COMMENTS AND CONCERNS. WE DO HAVE ADDITIONAL COPIES OF THE SUMMARIES AT THE BACK OF THE ROOM FOR THOSE THAT ARE INTERESTED. AND WITH THAT, I THANK YOU.

I'LL TURN IT BACK TO YOU, CARL.

MR. ROUNTREE: THANK YOU, TOM.

AT THIS TIME, I WOULD LIKE TO BEGIN ACCEPTING ORAL COMMENTS ON THE EAGLE MOUNTAIN LANDFILL ENVIRONMENTAL IMPACT STATEMENT AND ENVIRONMENTAL IMPACT REPORT. FOR THOSE OF YOU WHO HAVE JUST COME IN, IF YOU PLAN TO MAKE A STATEMENT DURING THE COURSE OF THE COMMENTARY PERIOD OF THIS HEARING, PLEASE BE SURE TO SIGN IN. THE SIGN-IN SHEET CONTAINS A BOX WILL YOU NEED TO CHECK IF YOU WOULD LIKE TO MAKE A PUBLIC COMMENT. ONLY THOSE PERSONS WHO SIGNED UP TO SPEAK WILL BE CALLED. EVEN IF YOU DO NOT PLAN TO MAKE COMMENTS, HOWEVER, PLEASE SIGN IN AT THE DESK SO WE CAN HAVE AN ACCURATE ATTENDANCE LIST.

THE OFFICIAL RECORDER, CAROL YATES TO MY LEFT, WILL BE PREPARING A VERBATIM TRANSCRIPT OF EVERYTHING THAT IS SAID THIS EVENING. IF YOU WISH TO OBTAIN A COPY OF THE TRANSCRIPT, YOU SHOULD MAKE YOUR OWN ARRANGEMENTS WITH THIS FIRM AFTER THE HEARING. I'M SURE CAROL WILL BE ABLE TO MAKE

THE ARRANGEMENTS AT THE CONCLUSION OF THE HEARING.

TO ENSURE A COMPLETE AND ACCURATE RECORD OF THIS HEARING, ONLY ONE PERSON AT A TIME WILL SPEAK. I WOULD RESPECTFULLY ASK THE REST OF YOU TO HOLD YOUR COMMENTS OR NOT SPEAK DURING THIS TIME, BUT GIVE THE PERSON THEIR DUE.

DURING THE HEARING, ONLY THE DESIGNATED SPEAKER WILL BE RECOGNIZED. TO ASSIST THE REPORTER, MS. YATES, IF YOU WOULD PLEASE STATE YOUR NAME, WHERE YOU ARE FROM AND WHO YOU ARE REPRESENTING. EVEN IF YOU ARE REPRESENTING YOURSELF. TO HELP CAROL OUT, IF YOU WOULD ALSO SPEAK JUST A TAD BIT SLOWER THAN YOU NORMALLY DO, IT WILL ALSO ASSIST HER IN ENSURING THAT WE DO GET A GOOD RECORD OF THE HEARING THIS EVENING.

BECAUSE OF THE NUMBER OF INDIVIDUALS WHO HAVE SIGNED UP TO SPEAK AT THIS HEARING, THE COMMENTS OF EACH OF THE DESIGNATED SPEAKERS WILL BE HELD TO FIVE MINUTES TO ENSURE THAT EVERYONE WHO HAS REQUESTED TO SPEAK WILL HAVE THE OPPORTUNITY TO DO SO.

CHRISTINE, THE YOUNG LADY TO MY LEFT, HAS A ONE-MINUTE TIME CARD WHICH SHE WILL HOLD UP. SHE WILL SHOW YOU WHEN YOU HAVE ONE MINUTE LEFT TO SPEAK, AND GIVE YOU AN EARLY WARNING THAT YOUR TIME IS DRAWING TO A CLOSE. SPEAKERS WHO WOULD LIKE TO COMPLETE THEIR COMMENTS, IF THEY DON'T GET THEIR COMMENTS DONE, IF WE HAVE TIME AT THE END OF THE HEARING WE WILL GO AHEAD AND ALLOW THOSE FOLKS TO SPEAK THEIR PIECE IN THE ORDER THAT THEY HAVE BEEN CALLED PREVIOUSLY.

WRITTEN COMMENTS THAT YOU MAY HAVE WILL ALSO BE ACCEPTED AS SUBSTITUTE TO ORAL COMMENTS OR TO SUPPLEMENT YOUR ORAL COMMENTS. WRITTEN COMMENTS CAN BE SUBMITTED TO ME AT THE END OF THE HEARING OR MAILED TO EITHER THE BLM OFFICE IN RIVERSIDE OR THE COUNTY OF RIVERSIDE PLANNING DEPARTMENT IN RIVERSIDE AS WELL. THESE ADDRESSES ARE AVAILABLE ON THE SIGN-UP SHEETS AT THE TABLE IN THE BACK.

ALL WRITTEN COMMENTS AND ALL COMMENTS THAT ARE RECEIVED ON OR BEFORE SEPTEMBER 17, 1996 WILL BE INCLUDED AS PART OF THE OFFICIAL RECORD. WRITTEN STATEMENTS WILL BE GIVEN EQUAL CONSIDERATION TO ORAL STATEMENTS MADE IN THIS AND OTHER HEARINGS. FOR THOSE ATTENDING THIS HEARING WHO WISH TO MAKE AN ORAL PRESENTATION, IT WOULD BE HELPFUL TO THE REPORTER IF YOU WOULD PROVIDE A COPY OF ANY INFORMATION THAT YOU MAY HAVE PREPARED OR OF ANY STATEMENTS THAT YOU MAY HAVE.

ARE THERE ANY QUESTIONS ABOUT THE PROCEDURES OF THIS HEARING? WITH THAT, THEN, I WOULD LIKE TO CALL THE FIRST SPEAKER TO THE MICROPHONE. AND I WILL APOLOGIZE BEFOREHAND IF I BUTCHER ANY NAMES.

KAREN OVERMAN.

MS. KAREN OVERMAN: MY NAME IS KAREN OVERMAN, AND I MUST STATE THAT I AM NOT REPRESENTING THE FIRE DEPARTMENT TONIGHT, I'M HERE AS A HOMEOWNER AND A RESIDENT ONLY.

THE ONLY CONCERN THAT I HAVE IS THE ALTERNATE ROUTE ON KAISER ROAD. MY OBVIOUS CONCERN IS -- MY MAIN CONCERN IS

15-1

THE TRUCK TRAFFIC ON KAISER ROAD. BECAUSE I'M WITH THE FIRE DEPARTMENT I HAVE HAD A CHANCE TO, UNFORTUNATELY, DEAL WITH COLLISIONS AND VERY SERIOUS ACCIDENTS INVOLVING TRASH TRUCKS ON THE INTERSTATE OUT THERE. I THINK IT WOULD HAVE A BIG EFFECT ON KAISER ROAD, BEING THAT IS OUR ONLY ROUTE OF TRAVEL BETWEEN EAGLE MOUNTAIN AND THE INTERSTATE.

NOT ONLY DO YOU HAVE THIS, BUT THERE IS THE SCHOOL (INAUDIBLE) -- A SCHOOL THAT MY CHILD GOES TO. THAT'S THE ONLY WAY TO GO BACK AND FORTH TO SCHOOL. I WOULD LIKE TO SEE MORE INFORMATION DONE ON THAT, HAVE THAT ADDRESSED MORE. THANK YOU.

MR. ROUNTREE: THANK YOU.

Response to Comment 15-1

Comment acknowledged. Although the Alternate Road Access Alternative is not presented as part of the proposed project description, which uses Eagle Mountain Road for truck traffic to the landfill, it has been considered as an alternate route for truck haul. The impacts associated with this alternative have been addressed throughout the Draft EIS/EIR. The BLM's preferred alternative does not include use of Kaiser Road for truck haul of municipal solid waste.

PATTI AIKIN.

MS. PATRICIA AIKIN: HI, MY NAME IS PATRICIA AIKIN. I HAVE BEEN A RESIDENT OF DESERT CENTER FOR 10 YEARS. I AM A HOMEOWNER IN A MOBILE HOME PARK. AND, YOU KNOW, IT'S REALLY A SHAME THAT WE HAVE TO HAVE SOME OF THESE HEARINGS SO EARLY, BECAUSE WE HAVE ABOUT 300 SENIORS THAT LIVE IN THE MOBILE HOME PARK, AND THEY NEVER HAVE AN OPPORTUNITY TO EXPRESS THEIR SUPPORT OR NONSUPPORT. AND I HOPE THE LETTERS DO COME IN TO YOU FROM THEM. THEY ARE HERE SIX MONTHS OUT OF THE YEAR AND PAY THEIR TAXES AND SUPPORT THE COMMUNITY ALSO. I'M SORRY I HAVE TO DO THIS WITH NOTES; I'M NOT VERY GOOD AT THIS.

AND I KNOW PERSONALLY THAT THE MAJORITY ARE IN FAVOR OF THIS PROJECT. I'M NOT TRYING TO SPEAK FOR THOSE PEOPLE BUT FROM, YOU KNOW, I HAVE A LOT OF REALLY DEAR FRIENDS THERE AND I WOULD SAY THE MAJORITY ARE IN FAVOR OF THIS. WE ARE NOT ABLE TO SEE THAT SUPPORT.

I DID NOT ALWAYS SUPPORT THIS PROJECT. I HAVE DONE AN AWFUL LOT OF READING AND I'VE ASKED AN AWFUL LOT OF QUESTIONS AND GOT SOME ANSWERS. AND IF THE MRC PEOPLE DIDN'T HAVE ANY ANSWERS, THEY LOOKED IT UP FOR ME AND ALWAYS GOT BACK TO ME AND (INAUDIBLE).

15-2

Response to Comment 15-2

(a) The BLM hearings for the proposed Project were held on four consecutive days (August 5, 6, 7, and 8). The hearings were scheduled to occur upon publication of the Draft EIS/EIR so that the public could have an opportunity to provide public comment on the environmental document.

(b) Comment noted.

I HAVE THE SAME CONCERN THAT KAREN OVERMAN HAS ABOUT THE KAISER ROADS VERSUS THE EAGLE MOUNTAIN ROAD, THE ACCESS ALTERNATIVE. YOU MIGHT HAVE READ ABOUT THAT IN THE PAGE ES-8 OF THE EXECUTIVE SUMMARY. I CAN'T EVEN IMAGINE WHY THIS COULD BE CONSIDERED AS AN ALTERNATE ACCESS ROAD. 'AS KAREN SAID, WE WILL HAVE -- MRC WILL HAVE 200 TRUCKS AND ALL THE SERVICE VEHICLES, AND WE WILL HAVE ALL THE PRISON TRAFFIC UP THERE, WE WILL HAVE THEIR DELIVERY TRUCKS, BUSES, VISITORS AND THEIR EMPLOYEES. WE WILL ALSO HAVE ALL THE EMERGENCY VEHICLES THAT HAVE TO TRAVEL BACK AND FORTH, WE WILL HAVE THE FIRE DEPARTMENT DOWN HERE AND ONE UP THERE. WE HAVE THE SCHOOL TRAFFIC. WE HAVE THE BUSES AND THE EMPLOYEES AND ALL THE SERVICE PEOPLE. SO MY CONCERN IS VERY, VERY GREAT ABOUT THIS.

ALSO, THE PEOPLE COMING OUT OF THE MOBILE HOME PARK. IT'S AN R.V. AND MOBILE HOME PARK. THEY WILL HAVE TRAILERS BEHIND THEM AND THEY ARE SENIORS, THEY ARE 60- AND 70- AND 80 YEARS OLD YEARS OLD, AND IT'S VERY DIFFICULT FOR THEM TO GET IN AND OUT OF THIS FACILITY.

I GUESS I HAVE A QUESTION, AND YOU'RE NOT ADDRESSING QUESTIONS TONIGHT; IS THAT CORRECT?

MR. ROUNTREE: THAT'S CORRECT.

MS. AIKIN: MAY I STATE THE QUESTION?

MR. ROUNTREE: CERTAINLY.

MS. AIKIN: THANK YOU.

15-3

Response to Comment 15-3

See Response to Comment 15-1.

IF THIS IS THE DECISION, IF THIS IS THE ALTERNATIVE DECISION, WILL MRC HAVE TO ABIDE BY THIS DECISION OR CAN THEY DECIDE TO USE THE EAGLE MOUNTAIN ROAD AND REBUILD THIS ROAD FOR THIS PROJECT? AND I DO NOT FIND ANYWHERE IN THE E.I.R./E.I.S. ANY MITIGATION IF THE KAISER ROAD IS THE SELECTED ACCESS ROAD, AND I WOULD LIKE TO SEE MORE LOOKED INTO THAT.

15-4

THANK YOU VERY MUCH.

MR. ROUNTREE: THANK YOU, MS. AIKIN.

BOB ANDERSON.

MR. BOB ANDERSON: MY NAME IS BOB ANDERSON. I DIDN'T INTEND SO SPEAK, BUT THERE ARE TWO OR THREE THINGS I WOULD LIKE TO SAY. I HAVE BEEN A RESIDENT UP HERE FOR 40 YEARS. I HAVE SEEN A LOT OF THINGS COME AND GO.

MR. ROUNTREE: CAN YOU STATE YOUR ADDRESS, PLEASE. WHERE ARE YOU FROM? STATE YOUR ADDRESS FOR ME AND WHERE YOU ARE FROM.

MR. ANDERSON: I LIVE RIGHT UP HERE AND HAVE FOR 40 YEARS. AND I WANT TO SPEAK ABOUT THE BIGHORN SHEEP, THE

15-5

Response to Comment 15-4

The Project proponent cannot choose to disregard the lead agencies' stated preferred alternative that is ultimately adopted. The County Planning Commission and the Board of Supervisors will be holding public hearings prior to making a determination on certifying the document.

Response to Comment 15-5

Comment noted.

DESERT TORTOISE AND THE JOSHUA TREE NATIONAL MONUMENT. I THINK THAT HAS BEEN BLOWN ALL OUT OF PROPORTION. THE KAISER OPERATED THE MINE UP THERE FOR 35 OR 40 YEARS, LOTS OF BLASTING, SHUTTLES, TRUCKS, EVERYTHING, 24 HOURS A DAY. YOU COULD SEE A DUST CLOUD 15 MILES AWAY. AND THE BIGHORN SHEEP LIVED RIGHT ALONGSIDE OF IT. THEY DID NOT JUST LIVE THERE, THEY THRIVED; THEY HAD THEIR LITTLE ONES. THE PEOPLE WHO WORKED HERE WOULD TAKE THEIR FAMILIES IN THE EVENING TO SEE THEM COME DOWN TO GET A DRINK OF WATER.

AND I ALSO OVER THOSE 40 YEARS PROBABLY MADE A THOUSAND MORE TRIPS TO INDIO, BACK AND FORTH. AND I HAVE SEEN ONE DESERT TORTOISE ON THE HIGHWAY. AND AS FAR AS I'M CONCERNED ABOUT THE LANDFILL, I'M FOR IT COMPLETELY. IT'S A SHAME IT WASN'T COMPLETED THREE YEARS AGO.

THANK YOU. THAT'S ALL I HAVE TO SAY.

MR. ROUNTREE: THANK YOU, MR. ANDERSON.

GERALD FAWCETT.

MR. GERALD FAWCETT: MY NAME IS GERALD FAWCETT. I'M PRESIDENT OF KAISER VENTURES. I WOULD LIKE TO READ A SHORT STATEMENT IN TO THE RECORD, IF I MIGHT, PLEASE.

I WILL GIVE YOU MY RESIDENCE. MY ADDRESS IS 1046 LAGUNA SECA COURT, BANNING, CALIFORNIA.

THE BLM APPROVED THE LAND EXCHANGE AND GRANTS OF RIGHTS-OF-WAY PREVIOUSLY, AND THEY SHOULD DO SO AGAIN. THE FEDERAL LANDS PROPOSED FOR EXCHANGE FOR DAMAGED LANDS ON WHICH KAISER HAS MINING CLAIMS, AND THE KAISER LANDS PROPOSED FOR EXCHANGE ARE CRITICAL HABITATS FROM THREATENED SPECIES. THIS WILL ALLOW BLM TO CONSOLIDATE LAND HOLDINGS IN THE AREA.

15-6 a

Response to Comment 15-6

(a) Comment noted. The land exchange is discussed in Sections 1 and 2 of the Draft EIS/EIR. The purpose and need of the proposed action is also discussed in Section 1 of the Draft EIS/EIR.

IT IS IMPORTANT TO NOTE THAT THERE HAVE BEEN TWO
b CHANGES IN THE LAST THREE YEARS WHICH IMPACT THIS PROPOSAL.
MORE SOUTHERN CALIFORNIA LANDFILLS HAVE CLOSED AND THE
CALIFORNIA DESERT PROTECTION ACT DESIGNATED JOSHUA TREE A
c NATIONAL PARK. WHEN CONGRESS PASSED THE E.P.A., THEY MADE IT
VERY CLEAR THAT THEY WOULD NOT INTERFERE WITH THE DEVELOPMENT
OF THE LANDFILL PROJECT OR IMPOSE ADDITIONAL RESTRICTIONS ON
THE PROPOSAL. THE REGULATIONS REQUIRE 20 PERMITS FOR THE
PROJECT. IF MRC CAN MEET THESE REQUIREMENTS AND GRANT THESE
PERMITS, THEY SHOULD BE ALLOWED TO DEVELOP THIS PROJECT.

AS MORE LANDFILLS IN THE REGION FILL UP OR CLOSE
DUE TO ENVIRONMENTAL PROBLEMS, THE NEED FOR
ENVIRONMENTALLY-SOUND LANDFILL LOCATIONS TENDS TO GROW.

THE D.E.I.S. ANALYZED THE MAXIMUM DEVELOPMENT OF
d THE TOWNSITE AS IF ALL EMPLOYEES FROM THE LANDFILL RESIDED
THERE. THIS IS AN UNLIKELY OCCURRENCE AS MANY WILL LIKELY
LIVE IN DESERT CENTER, BLYTHE OR THE COACHELLA VALLEY. THE
ABSOLUTE MAXIMUM NUMBER OF PEOPLE THAT COULD LIVE IN THE
RENOVATED TOWNSITE WOULD BE ABOUT A THOUSAND PEOPLE, FAR
SHORT OF THE 3,700 PEOPLE THAT LIVED THERE WHEN THE MINE
OPERATED.

WITH THE APPROPRIATE DEMAND, KAISER WILL RENOVATE
SOME OF THE EXISTING HOMES AND COULD REPLACE SOME STRUCTURES

(b) Comment noted. The issue of landfill closures is discussed in Section 1.3.1, Purpose and Need, of the Draft EIS/EIR.

(c) Comment noted. The discussion of the change in status from monument to park is discussed in Section 3.11, Wilderness, of the Draft EIS/EIR.

(d) As noted in Section 4.8.3, Growth Inducement and Socioeconomics, the population of the Townsite would increase from approximately 220 persons to approximately 1,120 persons.

ON SOME OF THE VACANT FOUNDATIONS. KAISER WILL, HOWEVER, ONLY LEASE, THEY WILL NOT SELL THE PROPERTY. I WOULD LIKE TO STATE THAT WE AT KAISER SUPPORT THE LOCAL COMMUNITY'S FEELING THAT THE USE OF EAGLE MOUNTAIN ROAD IS DEFINITELY A PREFERRED ALTERNATIVE.

I THANK THE BLM FOR THIS OPEN PROCESS, ALLOWING ALL OF US THE OPPORTUNITY TO BE HEARD. THANK YOU.

MR. ROUNTREE: THANK YOU.

MS. OR MRS. CHARPIED.

MRS. CHARPIED: MY NAME IS DONNA CHARPIED. MY ADDRESS IS P.O. BOX 321, DESERT CENTER 92239. I AM WITH THE COMMUNITY GROUP OF CITIZENS FOR THE CHUCKWALLA VALLEY, AND I AM ALSO THE EAGLE MOUNTAIN COORDINATOR FOR THE SAN GORGONIO CHAPTER OF THE SIERRA CLUB, WHO MOST RECENTLY VOTED, ON JULY 23RD, TO OPPOSE THE EAGLE MOUNTAIN PROJECT.

WHEN I WAS LISTENING TO TOM PETERS GIVE HIS PRESENTATION EARLIER WHEN HE BRIEFLY BREEZED OVER THE AIR EMISSIONS DATA IN THAT THEY HAVE TO SAY IT IS SIGNIFICANT BECAUSE THE AIR, THEY ARE RIGHT. HOWEVER, IN THE E.I.S., IT DISCUSSES THAT -- AND IT DID NOT DO THIS IN THE LAST E.I.S. -- THAT THE THRESHOLD IS GREATER THAN THE ONE IN A MILLION TOXICITY IN AIR EMISSIONS. I HAVE NO IDEA HOW MUCH GREATER THIS IS THE 10 ME. BUT I WOULD LIKE TO SEE THAT FURTHER ADDRESSED.

15-7

MR. PETERS ALSO ENCOURAGED PEOPLE TO READ THE E.I.S., OBTAIN A COPY AND READ IT AND READ ALL THE MITIGATION

15-8

(e) Comment noted.

Response to Comment 15-7

It is unclear from the comment what is meant by a further discussion regarding toxic air pollutant impacts. A detailed analysis of toxic air pollutant impacts is included in the Draft EIS/EIR (Appendix E, Attachment C). This analysis is based on SCAQMD and EPA-approved emissions factors, air dispersion models, and unit risk values.

Response to Comment 15-8

BLM has complied fully with its obligation to make copies of the EIS/EIR available to the public, in accordance with applicable regulations (40 CFR § 1506.6). As stated in the Notice of Availability of the Draft EIS/EIR, copies of

MEASURES. THIS IS VERY DISENHEARTENING. THE BUREAU OF LAND MANAGEMENT IS VIOLATING TITLE 40 OF THE CODE OF FEDERAL REGULATIONS UNDER SUBPART 1500, THAT BRIEFLY STATES THAT ANYONE WHO REQUESTS THE E.I.S. WILL BE PROVIDED THE DOCUMENT. A LOT OF PEOPLE, INCLUDING OUR ATTORNEY, WHO IS A NONINTERESTED PARTY WHO REPRESENTED US DURING THE LAND EXCHANGE THE LAST TIME AROUND, HAS NOT RECEIVED HIS E.I.S., AS WELL AS MANY CONCERNED CITIZENS. 15-8

AND THIS IS QUITE FRUSTRATING FOR ME TO COME HOME AND HAVE A BUNCH OF MESSAGES ON MY PHONE ANSWERING MACHINE ASKING ME TO GET THEM THE E.I.S., AS THOUGH I COULD PRODUCE THEM OUT OF THIN AIR. AND I WOULD HOPE THAT THIS PROBLEM WOULD BE SOON BE ALLEVIATED. AND HOPEFULLY THAT'S QUITE SOON.

I AGREE WITH MRS. AIKEN ABOUT HAVING THESE HEARINGS SO EARLY. I KNOW OF AT LEAST 10 PEOPLE WHO STILL DON'T HAVE THEIR E.I.S. WHO WOULD COME HERE TO GIVE YOU INPUT ON IT.

MR. FAWCETT VERY BRIEFLY TALKED ABOUT THE LAND EXCHANGE AND THE GREAT HABITAT IN THE LAND IN THE BEGINNING. A LARGE MAJORITY OF THE LAND IS BISECTED BY THAT RAILROAD THAT HAS ALREADY REFERRED BACK TO THE UNITED STATES FROM HERE AND THIS WONDERFUL HABITAT WILL BE -- BE ACTUALLY POISED TO GO AGAINST YOUR OWN MANDATE TO PROTECT THE ENVIRONMENT BY SANCTIONING OF THIS RAILROAD AND FURTHER CONSTRUCTION OF THE BALANCE FRAGMENT TOWARDS THE POPULATION, ET CETERA. 15-9

BACK TO THE LAND EXCHANGE. AS YOU MAY OR MAY NOT

the document were made available for review at nearly 2 dozen different locations throughout the study area, including BLM offices, County offices, and numerous public libraries. In addition, approximately 350 copies of the Draft EIS/EIR were provided free of charge to individual citizens and groups, including all those who had previously requested to be placed on the mailing list for this Project. Additional copies have been made available to all members of the public for the actual cost of reproducing the materials.

Response to Comment 15-9

Please see General Response 4.

KNOW, MY HUSBAND AND I, AS WELL AS 24 OTHER INDIVIDUALS AND ENVIRONMENTAL GROUPS, HAVE CHALLENGED THE LAND EXCHANGE IN THE PAST. WE WERE GRANTED A STAY. AND TO GET A STAY GRANTED THERE ARE FOUR CRITERIA: YOU HAVE IRREPARABLE HARM IS ONE OF THEM, AND PUBLIC INTEREST, DANGER, ET CETERA, ALL OF THEM. WELL, WE DID MEET THAT CRITERIA.

ONE OF THE BIGGEST PROBLEMS WITH THIS PROJECT IS THE WATER ISSUE AS FAR AS THE QUALITY AND THE QUANTITY OF WATER IN THIS VALLEY. THE LAST E.I.R. WE HEARD FROM THE E.I.S. AFTER FOUR YEARS OF A DROUGHT, A PRISON HOUSING 8,000 PEOPLE NEARBY, AND THE WATER CONSUMPTION WAS NOT REALLY AVAILABLE, HONESTLY, IN THIS E.I.S. AND WHAT WE HAVE TO LOOK FORWARD TO, ESPECIALLY WITH 3,500 ACRES OF THIS LAND EXCHANGE IS THAT KAISER WILL, IN EFFECT, HAVE THE RIGHTS TO USE UP THAT WATER. AND THIS IS -- THEY DON'T HAVE TO MITIGATE IT BECAUSE THE FEDERAL GOVERNMENT WILL BE SANCTIONING THIS.

THIS IS IRREPARABLE HARM NOT ONLY TO ME, BUT TO EVERYBODY WHO LIVES HERE AND IS SITTING IN THIS ROOM RIGHT NOW. I PLAN ON GIVING VERY EXTENSIVE WRITTEN COMMENTS BY THE SEPTEMBER 17TH DEADLINE.

AND I THANK YOU VERY MUCH FOR YOUR TIME.

MR. ROUNTREE: THANK YOU.

DEAN PRIMER.

MR. PRIMER: MY NAME IS DEAN PRIMER. I'M A RESIDENT OF LAKE TAMARISK. I'M FOR THE LANDFILL, AND I HAVE THREE THINGS I WOULD LIKE TO ADDRESS VERY SHORTLY. ONE IS,

Response to Comment 15-10

Comment noted. The appeals previously filed with the U.S. Department of the Interior's Board of Land Appeals, the stay order previously issued by the IBLA, and the remand of the Record of Decision pursuant to the BLM's request are discussed in the Draft EIS/EIR. See, e.g., Executive Summary, Section 1.2.2 and Technical Appendices Volume I, Appendix B-3 (copy of IBLA Stay Order).

Response to Comment 15-11

It is assumed that the comment is referring to potential impacts to groundwater in the Chuckwalla Valley. The Draft EIS/EIR concludes that there are no significant impacts to groundwater quality or quantity in the Chuckwalla Valley associated with the proposed Project.

Using data that were not current at the time, the previous EIS/EIR concluded that the Chuckwalla aquifer was in overdraft. This previous conclusion, although demonstrated to be inaccurate in this Draft EIS/EIR, does not necessarily imply that sufficient groundwater is unavailable to meet the anticipated requirements of the proposed Project.

In Section 4.1.2.1 (page 4.1-6) of the Draft EIS/EIR the average annual rainfall is stated to be 3.5 inches per year. Eagle Mountain precipitation data compiled by the Riverside County Flood Control District indicate that rainfall has averaged 5.95 inches between 1992 and 1995 (the most recent 4-year period for which complete data are available). As a result, precipitation at Eagle Mountain has actually averaged above normal by more than 2 inches per year for a 4 year period.

See Response to Comment 48, Comment 16a.

Response to Comment 15-12

(a) Comment noted.

I'M IN FAVOR OF THE LANDFILL. I AGREE WITH THE PREVIOUS SPEAKER THAT THE EAGLE MOUNTAIN ROAD IS THE PREFERRED ROAD. WE DON'T WANT THE TRUCKS RUNNING UP AND DOWN KAISER ROAD FOR OBVIOUS REASONS, DUE TO THE PART WE TALKED ABOUT.

AS FAR AS THE ENVIRONMENTAL IMPACTS ARE CONCERNED, I'D HAVE TO SAY THAT AFTER 35 YEARS OF MINING EAGLE MOUNTAIN, WE HAVE DONE A LOT OF DAMAGE TO THE ENVIRONMENT ALREADY. THESE PEOPLE ARE PROPOSING TO TAKE OUR TRASH AND PUT IT BACK IN THE MINE HOLE, IN THE PIT, AND FILL IT IN WITH THE TAILINGS OF THE MINE THAT ARE UP THERE NOW. THAT'S PUTTING THE ENVIRONMENT BACK IN THE PROCESS IT SHOULD HAVE BEEN IN THE FIRST PLACE. THIS IS A GOOD PLAN.

I'M VERY MUCH CONCERNED ABOUT THE ENVIRONMENT AS WELL AS ANYBODY ELSE IS. I WILL TELL YOU THAT AFTER SPENDING 30 YEARS IN THE MARINE CORPS, MANY OF THOSE YEARS IN TWENTYNINE PALMS, CALIFORNIA, I HAVE SEEN MORE DESERT TORTOISES IN TWENTYNINE PALMS WHEN WE WERE DROPPING BOMBS OR RIDING IN TANKS AND AMTRACKS THAN I HAVE EVER SEEN ON KAISER ROAD OR EAGLE MOUNTAIN ROAD OR IN THIS AREA.

I DON'T THINK IT'S A THREAT. I SUPPORT THE LANDFILL.

MR. ROUNTREE: THANK YOU, SIR.

NOEL BRUSH.

MR. NOEL BRUSH: MY NAME IS NOEL BRUSH, 44280 SHASTA DRIVE, LAKE TAMARISK. I, TOO, HAVE HAD SOME CONCERNS ABOUT THE TRAFFIC ON KAISER ROAD. AND IF THAT WERE TO BE THE CHOSEN ROUTE, THEN QUITE FRANKLY, I WOULD NOT BE GREATLY IN FAVOR OF THE PROJECT. IN ALL OTHER RESPECTS I AM IN FAVOR OF IT. I THINK IT'S A GOOD USE OF THE LAND UP THERE IN THAT AREA. I THINK WHEN YOU LOOK AT THE ALTERNATIVES, IT'S A GOOD CHOICE. THANK YOU.

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(b) See Response to Comment 15-1.

Response to Comment 15-13

(a) See Response to Comment 15-1.

(b) Comment noted.

MR. ROUNTREE: THANK YOU.

LARRY CHARPIED.

MR. LARRY CHARPIED: I'M LARRY CHARPIED. I HAVE LIVED IN THE DESERT CENTER -- I HAVE BEEN HERE 16 YEARS. I HAVE A FARM THAT'S PRETTY IMPORTANT TO US. I JUST WANT TO EMPHASIZE DONNA'S REMARKS ABOUT THE INACCURATE OR INCOMPLETE INFORMATION IN THE E.I.S. CONCERNING THE WATER QUANTITIES.

I THINK IT'S QUITE AMAZING THAT SOMEHOW THAT'LAKE TAMARISK WHICH HAS ONLY USED AROUND 400 ACRE-FEET OF WATER FOR THE LAST 10 OR SO YEARS, WHEN WE CAN ALL LOOK AT THIS BEAUTIFUL GREENS AND KNOW THAT SINCE STEVE HAS GOTTEN HERE, HE INCREASED THE WATERING QUITE A BIT TO MAKE THEM LOOK SO NICE. IT'S APPARENT THAT MAYBE THEY EITHER LEFT OUT THE GOLF COURSE AND THE LAKES IN THEIR CALCULATION OF WATER USAGE, OR THEY LEFT OUT THE HUMAN CONSUMPTION. YOU KNOW, WE'RE TALKING ABOUT HUNDREDS OF PEOPLE.

AND IN FACT, IF YOU LOOK AT THE PAST HISTORY OF HOW MANY PEOPLE WERE HERE DURING THE WINTER AND SUMMER, WE SEE IN GENERAL TRENDS UPWARDS. IN FACT, THAT IS SO RIGHT NOW. SO THE REALITY IS WITH THE PRISON OF THE 10,000 PLUS THE YEAR-ROUND STAFF, PLUS THE AGRICULTURE, PLUS THE MARDI STATE FARM OVER THERE, PLUS THE SEVERAL-ACRE FISH FARM OUT ON COYNE SPRINGS, AND IF WE TAKE DAVID LOO'S FISH FARM OVER HERE, AND HE IS USING ALMOST A THOUSAND ACRE-FEET A YEAR, AND WE TRY TO PUT THIS IN PERSPECTIVE, WE CAN SEE WHY THE GAS PUMPING WELL OVER HERE OVER A FIVE-YEAR PERIOD DROPPED 150 FEET.

WHAT THIS MEANS TO ME, WITH ONLY 80 FEET OF WATER LEFT IN MY WELL, IF THIS DROPS BELOW MY LEVEL, I'M OUT OF WATER UNLESS I CAN DRILL ANOTHER WELL. AND I WANT YOU GUYS TO MITIGATE THIS OR TO NOT DO IT. I DON'T WANT IT IGNORED ANYMORE. I'M REALLY AMAZED ABOUT THIS.

Response to Comment 15-14

(a) See Response to Comment 195-16(a).

(b) See Response to Comment 195-16(a).

(c) See Response to Comment 195-16(a).

(d) The water level in the Southern California Gas Company well (5S/16E-07P1) dropped from a depth of approximately 125 feet at the end of 1980 to a depth of roughly 250 feet in mid-1986. This represents a water-level decline of approximately 125 feet over that 5-year period. Any reference to water-level decline in this well should recognize the corresponding time period over which that decline was observed. As discussed in Section 3.1.4.1 of the Draft EIS/EIR, total water use in the western Chuckwalla basin dropped from approximately 23,000 ac-ft in 1986 to approximately 8,100 ac-ft in 1992 (see Table 3.1-3 and companion text on page 3.1-26). Data from the Gas Company well reveal a steady water-level rise of approximately 68 feet between 1988 and 1993, which is the last recorded measurement. Water-level data from this Gas Company well are available from the U. S. Geological Survey (USGS), which monitored this well as part of a cooperative program with the California Department of Water Resources. In addition, the hydrograph of this well (between 1977 and 1982) is contained in a letter report referenced in the Draft EIS/EIR as personal correspondence from James C. Hanson Consulting Engineers to Dr. J. H. Birman, Geothermal Surveys, Inc., 1992).

AND I DO BELIEVE THAT KAISER ROAD WOULD BE THE BEST OPTION TO USE. IT'S A GOOD ROAD, IT'S A TRUCK ROAD. IT
15-15 WOULD ELIMINATE THE IMPACTS TO THE TORTOISES, SO THAT THE MITIGATION THAT THEY PROPOSED FOR THE TORTOISES AND THAT THE JUDGE THREW OUT WOULD BE MOOT, SO WE WOULDN'T HAVE TO WORRY ABOUT THAT ISSUE.

OF COURSE, WE WOULD HAVE TO WORRY ABOUT IT ON THE
15-16 RAILROAD TRACK WHERE ALL THIS BEAUTIFUL LAND MR. FAWCETT IS GOING TO GIVE US, WITH EVERY SECTION BEING BISECTED BY THIS TRAIN, SO I STILL HAVEN'T SEEN WHY THIS TRAIN WON'T IMPACT THESE TORTOISES. I'M CONFUSED THERE ON THAT ONE, TOO.

MR. ANDERSON, WHEN HE WAS UP HERE, SAID WHEN THE MINE WAS GOING THEY COULD SEE THE DUST FOR 15 MILES. YET FOR
15-17 SOME REASON WHEN THE DUMP IS GOING WE ARE NOT GOING TO SEE ANYTHING. I JUST DON'T UNDERSTAND HOW CAN THAT POSSIBLY BE. PLEASE EXPLAIN THAT.

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Response to Comment 15-15

Comment noted.

Response to Comment 15-16

The existing railroad track currently is crossed by tortoises, as evidenced by the presence of individuals on the track during tortoise surveys. As identified in Section 4-7 of the Draft EIS/EIR, mitigation identified for the proposed Project includes the installation of tortoise-proof barriers along the tracks, in combination with culverts that will allow passage of tortoises under the track. This mitigation will allow safer passage than currently exists and will allow tortoises access to habitat on both sides of the tracks throughout the life of the Project. Please see also General Response 6.

Response to Comment 15-17

The Kaiser Mine was an open-pit iron ore mine that began operations in 1948. The mining operations consisted of drilling, blasting, excavating, and transporting iron ore. The mine produced up to 60 million tons of iron ore and waste rock per year. The dust from the operations to which the comment refers to was most likely the result of rock blasting. During the operation of the Kaiser Mine, over 1.5 million tons of iron ore and waste rock would be broken in a single blast, causing a huge cloud of dust that could be seen for miles. (After blasting, water was sprayed on the rock to suppress the dust, but complete suppression was impossible.) In addition to that produced by the massive blasting, dust would have been produced by the operation of the heavy mobile equipment used in open-pit mining, such as bulldozers, power shovels, and haul trucks. At that time, the diesel engines on such equipment had uncontrolled emissions and usually heavy plumes of exhaust smoke.

In contrast to the open-pit mine, the Eagle Mountain Landfill and Recycling Center does not include rock blasting as a fundamental part of the operation. The landfill operations will include both stationary sources, such as landfill gas flares, and mobile equipment, such as trains hauling waste, on-highway trucks, and off-highway equipment. Fugitive dust emissions will result from short-term construction activities, landfill road use, mine tailing reclamation,

15-18

MR. PETERS SAID THERE'S A NEED FOR THIS BECAUSE OF THE CAPACITY SHORTFALL OR PERCEIVED CAPACITY SHORTFALL. AGAIN, INFORMATION BEING LEFT OUT SUCH AS THE PROPOSED EXPANSIONS OF THE LANDFILLS IN RIVERSIDE COUNTY, AS WELL AS THE NEW AND EXPANDED -- AND THE NEW SITES AND EXPANSIONS IN LOS ANGELES AND OTHER COUNTIES. KEEPING IN MIND THAT ALL OF THESE EXPANSIONS AND NEW LANDFILLS HAVE TO HAVE THE SAME ENVIRONMENTAL IMPACTS THEY PROPOSE HERE, SO IT'S NOT LIKE THIS IS ANY SPECIAL DEAL.

THE REALITY IS THAT THERE IS NO LANDFILL SPACE CAPACITY SHORTFALL; IN FACT, IT'S BECOMING VERY COMPETITIVE OUT THERE. AS WE ALL KNOW, ORANGE COUNTY IS NOW DOWN TO $16 A TON. THE LAST TIME WE WENT THROUGH THIS, MR. DANIELS STOOD IN FRONT OF THE BOARD BEFORE THAT VOTE AND SAID IT WOULD COST AT LEAST $56 A TON WITH ALL THE MITIGATION NECESSARY. THERE'S NO CONTEST THERE'S NOT COMPETITIVE. THAT DIDN'T INCLUDE THE TRANSPORTATION UP HERE. I THINK IT'S IMPORTANT WE LOOK AT THAT.

and solid waste transfer. Despite these activities, fugitive dust emissions from the proposed Project are expected to be a small fraction of the dust emissions that resulted from the open-pit mining operations conducted at the site. This is due to significant advances in technology and the implementation of a variety of mitigation measures.

As discussed in the Draft EIS/EIR (Appendix E, Part 4.6), waste haul trucks will meet stringent California motor vehicle emissions regulations and use diesel fuel that meets California's stringent diesel fuel regulations. In addition, landfill equipment that meets state and federal emission requirements will be utilized. For control of fugitive dust, water, and chemical dust suppressants will be applied to temporary and transitional haul roads, and all onsite permanent nonhaul roads will be paved and periodically cleaned with sweepers or water flushed. Tailings and overburden piles will be prewatered prior to excavation, and nonactive construction areas will be either covered or compacted and treated with chemical dust suppressants. Material haul trucks will be required to pass through onsite wheel-washing stations and to maintain a 2-foot freeboard height.

The Draft EIS/EIR (Appendix E, Part 6) contains a complete analysis of the visibility impacts of the proposed Project. This analysis was performed using methodologies approved by EPA and reviewed by the NPS.

Response to Comment 15-18

See General Response 1.

WE ALSO NEED TO KEEP IN MIND THE REALITY, AS MR. FAWCETT NEGLECTED TO SAY, AND THE COUNTY REINFORCES, THEY HAVE NO VESTED MINING RIGHTS UP THERE. SO THE ONLY LAND KAISER OWNS UP THERE IS THE 289 ACRES OF THE EAST PIT, ONLY 289 ACRES OF THAT EAST PIT. AND, IN FACT, THEY DO NOT PLAN TO USE THAT FOR AT LEAST SEVEN TO EIGHT YEARS. SO THIS ISN'T A CLAIMING OF THE GOLD STAR MINING SITE. WHAT THIS IS, IS JUST ANOTHER BUNCH OF BULL.

15-19

LET'S SEE. WELL, I GUESS THAT'S ALL, EXCEPT I WANT TO REITERATE AGAIN, LIKE MY WIFE SAID, BECAUSE OF THE INACCURACIES AND THE LACK OF INFORMATION, INCLUDING THE LACK OFF DATA ON EARTHQUAKE FAULTING. THERE'S BEAUTIFUL PICTURES OF THE FAULT AND CATEGORIZING THIS SPECIFIC AREA. THIS WAS LEFT OUT. THE TEST RUN DONE BY, WHAT WAS IT, GRAYSTONE ON OUR LAND, FOR SOME REASON THAT WAS LEFT OUT. OF COURSE, WE KNOW IT'S BECAUSE IT'S SHOWING THE CAPACITY IS NOT THERE, SO THEY LEFT THAT OUT.

15-20

THAT'S REALLY -- I UNDERSTAND WHY PEOPLE CALL CH2M HILL "CHEAT'EM HILL," BECAUSE I CAN SEE THE AMOUNT OF STUFF THEY LEFT OUT TO PRODUCE A DOCUMENT THAT SUPPORTS A PREDETERMINED DECISION, AND HAS NOTHING TO DO WITH CRITICALLY ANALYZING THE IMPACT.

MR. ROUNTREE: THANK YOU.

Response to Comment 15-19

This statement is incorrect. The 289-acre figure referenced by the commenter is the size of the landfill footprint in the "Kaiser Land Only" alternative discussed in Sections 1.1.4.5 and 2.6 of the Draft EIS/EIR. This alternative includes only a portion of the lands actually owned by (i.e., patented to) Kaiser. It is called the "Kaiser Land Only" alternative because it includes only lands owned by Kaiser; it does not, however, include all of the lands that are owned by Kaiser within the Project site. As discussed in the Draft EIS/EIR, the Project site consists of lands owned in fee by Kaiser (i.e., patented lands), BLM-administered lands that are subject to unpatented (but vested) mining and mill site claims held by Kaiser, and other BLM-administered lands. See Sections 1.2.4 and 2.1 and Figure 5-13. Approximately 2,071 acres of the Landfill Specific Plan area are owned by Kaiser in fee (i.e., patented lands), and approximately 1,685 acres of the Landfill Specific Plan area are on vested mining and mill site claims held by Kaiser.

Response to Comment 15-20

The large body of technical data and information gathered from geologic characterization activities for the Project site and seismologic studies for the Project area has been summarized in the recent "Seismic Information Summary Report." This report is presented as Appendix H-1 to the Draft EIS/EIR. The data summarized in this report include available seismologic information for the area of the commenter's land (i.e., approximately 2.5 miles southeast of the Project site). The information was obtained from published geological literature including publications by the USGS, California Institute of Technology, and the California Division of Mines and Geology (CDMG). The data summarized in this report are sufficient to evaluate the conformance of the Project with applicable seismic siting and design requirements.

MR. TOM AIKIN.

MR. TOM AIKIN: THANK YOU. FOR THOSE OF YOU WHO DON'T KNOW ME, MY NAME IS TOM AIKIN. I RESIDE AT 44290 SHASTA DRIVE IN DESERT CENTER, CALIFORNIA. I HAVE LIVED HERE FOR 10 YEARS. AND I HAVE BEEN OPPOSED TO THE PROJECT IN THE BEGINNING, AND AFTER STUDY AND LISTENING TO BOTH SIDES OF IT FOR ABOUT TWO YEARS, I'M WHAT YOU CALL, I GUESS, A SWITCHOVER. BUT THERE ARE SOME CONCERNS THAT I HAVE.

AND I MIGHT ADD THAT WE ALL LIVE OUT HERE AND WE ARE ALL GOING TO USE WATER. SOME PEOPLE FARM, SOME PEOPLE DRINK IT, SOME PEOPLE WATER GOLF COURSES WITH IT. THAT'S PART OF THE DEAL. WE ARE LIVING HERE, WE ARE A COMMUNITY JUST LIKE ANY COMMUNITY. THERE'S 100 -- I DON'T KNOW HOW MANY GOLF COURSES, CLOSE TO A HUNDRED GOLF COURSES IN THAT VALLEY. AND I UNDERSTAND THAT AQUIFER IS GOOD. I HEARD SOMEBODY IN THE WATER COMMITTEE DOWN THERE SAY IT WAS GOOD FOR ANOTHER 500 YEARS. AND I UNDERSTAND HERE WE HAVE 800 ACRE -- OR 800 ACRES OF WATER DIRECTLY UNDER US IN THE SAND.

GRANTED, IT'S GOT TO GO DOWN IF YOU USE IT BECAUSE WE ARE NOT ACTUALLY PUTTING A LOT BACK FROM RAIN RIGHT NOW, BUT THAT DOES NOT MEAN IT ISN'T GOING TO RAIN. I BELIEVE THAT WE ARE GOING TO PROSPER BY THIS PROJECT AND IN THIS AREA. I THINK THAT IT'S GOING TO BRING JOBS HERE.

I'M A LITTLE CONCERNED ABOUT THE SWITCH BACK AND FORTH BECAUSE WE USED TO HAVE KAISER ROAD AS A GUARANTEE THAT THERE WOULD BE NO TRAFFIC THERE, BOTH FOR THE IMPACT OF THE EXHAUST, THE IMPACT OF THE TRAFFIC. I UNDERSTAND ON EAGLE MOUNTAIN ROAD, IN THE NEW STUDY, THEY HAVE 35-MILE-AN-HOUR TRUCKS. THAT IS HOW FAST THEY ARE SUPPOSE TO DRIVE UP. BUT

15-21

Response to Comment 15-21

(a) Comment noted.

(b) The existing conditions and environmental consequences for groundwater resources are discussed in Sections 3.1 and 4.1, respectively, and in Appendix C of the Draft EIS/EIR.

(c) See Response to Comment 15-1.

ALSO IN THAT PROPOSAL THEY HAVE A FENCE, A SCREEN WHERE THE TORTOISES, EVEN A LIZARD CAN'T GET THROUGH. AT CHUCKWALLA THEY GO OVER AND UNDERNEATH THE HIGHWAY.

I THOUGHT THAT WAS ALL ENVIRONMENTALLY SAFE FOR EVERYTHING. I HAVE SEEN EVERY KIND OF ANIMAL EXCEPT THE DEER ON KAISER ROAD. I DRIVE UP THERE AND BACK EVERY DAY. AND, I DON'T KNOW, I WOULD LIKE TO BE ABLE TO FIGURE OUT WHY WE ARE THINKING ABOUT THAT ROAD AGAIN, AND IF WE ARE, IS THERE

ANOTHER PLACE HIGHER UP OR WHERE THERE AREN'T ANY TORTOISES OR WHERE THERE AREN'T ANY PROBLEMS, THAT THE ENVIRONMENTAL STUDY CAN FIND, WHERE WE COULD JUST CONSTRUCT A WHOLE OTHER ROAD.

KAISER ROAD, IT'S HARD FOR ME TO BELIEVE THAT I'M GOING TO WORRY ABOUT A TORTOISE'S LIFE MORE THAN A HUMAN BEING. I MEAN, THIS IS AN ENVIRONMENTAL IMPACT FOR HUMANS AND ALL THIS IS ON THE COME. IT'S EASY TO SEE IT'S REALLY GOING TO BE AN IMPACT OVER THERE. ARE WE REALLY GOING TO BE RUNNING OVER THEM? OR ARE THE TRUCKS GOING TO RUN INTO SOMEBODY HERE? IT TAKES ABOUT FOUR BLOCKS TO STOP ONE OF THOSE TRUCKS. AND WE HAVE PEOPLE THAT -- AS PATTI MENTIONED, THERE ARE OLDER PEOPLE THAT PULL OUT OF HERE BACK AND FORTH ALL WINTER LONG, AND THEY ARE RESIDENTS HERE AND THEY LIVE HERE.

I REALLY APPRECIATE YOU ALL COMING OUT, AND I APPRECIATE YOUR INTEREST IN IT, AND I HOPE THAT YOU'LL TAKE THE CONSIDERATION IN MIND THAT WE WOULD RATHER LIVE OUR LIVES, ALTHOUGH WE HOPE THAT IT DOESN'T KILL ANY TORTOISES. BUT I'M GOING TO TAKE THE HUMAN LIFE AND PUT THAT UP FRONT.

MR. ROUNTREE: THANK YOU.

RICK DANIELS.

MR. RICK DANIELS: THANK YOU.

GOOD EVENING. MY NAME IS RICK DANIELS. I AM THE PRESIDENT AND CHIEF EXECUTIVE OFFICER OF MINE RECLAMATION CORPORATION, THE DEVELOPER OF THE PROPOSED PROJECT.

WE URGE THE BLM TO APPROVE THE PROJECT AS PROPOSED. WE UNDERSTAND THE LOCAL CONCERN ABOUT THE ALTERNATIVE ACCESS ROAD PROPOSAL AND WANT TO MAKE IT CLEAR THAT WE SUPPORT THE USE OF EAGLE MOUNTAIN ROAD. THE FEELINGS OF THIS COMMUNITY SHOULD BE FOREMOST IN ALL OF OUR MINDS.

WE BELIEVE THE BLM AND RIVERSIDE COUNTY HAVE DONE AN EXCELLENT JOB IN THE PREPARATION OF THE ENVIRONMENTAL DOCUMENT. IT CONCLUDES THAT WITH PROPOSED MITIGATION OF THE VAST MAJORITY OF THE POTENTIAL ENVIRONMENTAL IMPACTS WILL BE INSIGNIFICANT. THE ENVIRONMENTAL QUESTIONS HAVE ALL BEEN 15-22 ANSWERED. THERE WILL ALWAYS BE AND WE CAN ALL EXPECT DISAGREEMENTS WITH THE PHILOSOPHICAL QUESTIONS RELATED TO THE PROPOSAL. BUT UNARGUABLY, THIS NEW D.E.I.S./R ADDRESSES THE QUESTIONS RELATED TO THE POTENTIAL ENVIRONMENTAL IMPACTS.

THE EAGLE MOUNTAIN PROJECT PREVIOUSLY RECEIVED PERMITS GRANTED BY THE REGIONAL WATER QUALITY CONTROL BOARD, U.S. FISH AND WILDLIFE, CALIFORNIA DEPARTMENT OF FISH AND GAME, SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT AND THE CORPS OF ENGINEERS. THE ISSUANCE OF THESE PERMITS IS EVIDENCE OF THE ENVIRONMENTAL PROTECTION BENEFITS OF THE PROJECT.

Response to Comment 15-22

Comment noted.

THE OTHER SIDE OF THE POTENTIAL IMPACT QUESTION IS ON THE ECONOMIC SIDE. THIS PROJECT WILL CREATE 1,530 NEW, YEAR-ROUND FAMILY WAGE JOBS. IT WILL BRING IN $3.3 BILLION IN NEW ECONOMIC IMPACT TO THE INLAND EMPIRE IN JUST ITS FIRST 20 YEARS OF THE PROJECT LIFE. WEIGH THE POSSIBILITY OF MINIMAL IMPACTS TO THE ENVIRONMENT WITH THE PROBABILITY OF ENORMOUS ECONOMIC IMPACT AND NEW JOBS TO THE AREA.

ANOTHER IMPORTANT POINT EMPHASIZED IN THE DOCUMENT IS CAPACITY AND NEED QUESTION. THE DOCUMENT CONCLUDES THAT THE REGION WILL NEED, AND PROBABLY REQUIRE, AT LEAST THREE REGIONAL SITES IN THE NEXT 20 YEARS. RIVERSIDE COUNTY SHOULD SHARE IN THE ECONOMIC BENEFITS OF THAT INEVITABILITY.

LAST MONTH ALONE, IN L.A. COUNTY, A 4,500 TON A DAY LANDFILL CLOSED. SCHEDULED TO CLOSE IN SEPTEMBER OF 1996, JUST A FEW MONTHS AWAY, IS A 13,000 TON A DAY LANDFILL. LANDFILLS ARE REACHING CAPACITY; THEY NEED TO BE REPLACED. THEY NEED TO BE REPLACED WITH LANDFILLS WHICH HAVE THE KIND OF ENVIRONMENTAL PROTECTION CERTIFIED IN THIS PROJECT.

LASTLY, WE BELIEVE THAT THE PROPOSED LAND EXCHANGE AND ASSOCIATED RIGHTS OF WAY IS IN THE BEST INTEREST OF THE FEDERAL GOVERNMENT. THE LANDFILL PROJECT HAS BEEN PROVEN TO MEET OR EXCEED ALL REQUIREMENTS IN THE PAST, AND WE ARE COMMITTED TO DO SO IN THE FUTURE.

CEQA AND NEPA, UNDER WHICH THE DOCUMENT HAS BEEN PREPARED, REQUIRES THE PEOPLE HAVE ACCESS TO REVIEW THE DOCUMENT. THE BLM AND THE COUNTY HAVE GONE OUT OF THEIR WAY TO MAKE THE DOCUMENT AVAILABLE TO THE PUBLIC. THE DOCUMENT IS LOCATED IN OVER 20 PUBLIC LOCATIONS IN RIVERSIDE, SAN BERNARDINO AND L.A. COUNTIES. OVER 300 DOCUMENTS HAVE BEEN DISTRIBUTED. ANYONE WANTING AN INDIVIDUAL DOCUMENT, A PERSONAL DOCUMENT, CAN ASK THAT OTHER DOCUMENTS BE PRINTED

WITH THE PAYMENT OF THOSE COSTS.

WE URGE THE BLM TO APPROVE THE PROJECT AS MRC PROPOSED IT, SO THAT RIVERSIDE COUNTY CAN THEN CONSIDER THE LANDFILL PROJECT ON ITS MERITS.

THANK YOU.

MR. ROUNTREE: THANK YOU.

FOLKS, WE'VE REACHED THE END OF OUR LIST OF THE PERSONS WHO HAVE REQUESTED TO SPEAK. IS THERE ANYONE ELSE IN THE AUDIENCE WHO DIDN'T CHECK THE BOX WHO WOULD LIKE TO SAY SOMETHING? YES, SIR.

BY MR. STERLING SCOTT: MY NAME IS STERLING E. SCOTT. I RETIRED HERE AFTER 26 YEARS. I WAS HERE TWO YEARS WHEN THE BUYING FIRST STARTED. I'VE SEEN A LOT OF PEOPLE COME AND GO. AND I WENT AND I ENJOYED WORKING HERE. I HAVE SEEN A LOT OF TURTLES, LONGHORN SHEEP, LIZARDS, CHUCKAWALLAS, AND I'VE SEEN A LOT OF PEOPLE WORK HAPPY HERE. I ENJOYED IT, AND I AM FOR THIS SITUATION. I LIKE IT, I THINK IT WILL BE BENEFICIAL TO THE STATE, GOVERNMENT, AND THE PEOPLE, AND THE WHOLE ENVIRONMENT.

15-23

THE GENTLEMAN HERE WAS TALKING ABOUT THE WATER SITUATION. THERE -- I KNOW THERE'S SEVEN WELLS OUT THERE AND THERE'S TWO PIPELINES, OR USED TO BE. WHETHER IT STILL IS OR NOT, I DON'T KNOW. ONE OF THEM WAS A 14-INCH LINE, ONE WAS A 10-INCH LINE.

AT ONE TIME THEY HAD SEVEN 300-HORSE PUMPS WORKING OUT THERE TRYING TO PUMP IT DOWN TO SEE WHAT THEY HAD DOWN

Response to Comment 15-23

Comment noted.

THERE. THERE IS AN UNDERGROUND RIVER THERE. THEY COULDN'T EVEN LOWER IT THREE INCHES. AND I THINK THIS PLACE AND ALL THE PEOPLE HERE, IT WILL BE REALLY GOOD FOR. AND ALL THE RETIREES, IT'LL BE GOOD FOR US, TOO. THANK YOU.

MR. ROUNTREE: THANK YOU, SIR.

IS THERE ANYONE ELSE IN THE AUDIENCE WHO WOULD LIKE TO MAKE A STATEMENT?

I WOULD LIKE TO THANK ALL OF YOU FOR ATTENDING THIS SESSION. AS I MENTIONED EARLIER, IF ANY OF YOU HAVE ANY COMMENTS OR WRITTEN COMMENTS THAT YOU WOULD LIKE TO PRESENT, YOU CAN GIVE THEM TO ME AT THE CONCLUSION OF THE MEETING.

AND ALSO, I WOULD LIKE TO ASSURE YOU THAT YOUR ORAL COMMENTS, AS WELL AS YOUR WRITTEN COMMENTS, WILL BE A PART OF THE PERMANENT RECORD. THEY ARE GOING TO BE A NUMBER OF THE COMMENTS.

I WOULD LIKE TO CLOSE. THANK YOU VERY MUCH.

THE REPORTER: THANK YOU.

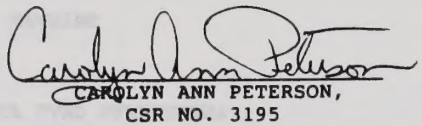
(HEARING ENDED AT 7:00 P.M.)

I, CAROLYN ANN PETERSON, CSR NO. 3195, DO HEREBY CERTIFY:

THAT SAID HEARING WAS TAKEN DOWN BY ME IN SHORTHAND AT THE TIME AND PLACE THEREIN NAMED AND THEREAFTER REDUCED TO COMPUTERIZED TRANSCRIPTION UNDER MY DIRECTION.

I FURTHER CERTIFY THAT I AM NOT INTERESTED IN THE EVENT OF THE ACTION.

WITNESS MY HAND THIS 19TH DAY OF AUGUST, 1996.



CAROLYN ANN PETERSON,
CSR NO. 3195

COMMENT STATEMENT 16

CERTIFIED COPY

EAGLE MOUNTAIN LANDFILL

AND

RECYCLING CENTER PROJECT

BUREAU OF LAND MANAGEMENT

HEARING

AUGUST 6, 1996

TAKEN AT PALM SPRINGS CONVENTION CENTER

SPRINGS THEATER

277 NORTH AVENIDA CABALLEROS

PALM SPRINGS, CALIFORNIA

YATES & ASSOCIATES
CERTIFIED COURT & DEPOSITION REPORTERS
73-255 EL PASEO / SUITE 15
PALM DESERT, CA 92260-4276
619 / 341-4431
FAX 619 / 568-9338

MEMBERS OF CALIFORNIA COURT REPORTERS ASSOCIATION AND NATIONAL SHORTHAND REPORTERS ASSOCIATION

I N D E X

APPEARANCES:

JULIA DOUGAN, AREA MANAGER
PALM SPRINGS-SOUTH COAST RESOURCE AREA

CARL ROUNTREE, HEARING OFFICER
BUREAU OF LAND MANAGEMENT, SACRAMENTO OFFICE

TOM PETERS, CH2M HILL

CHRISTINE ROBERTS, CH2M HILL

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PALM SPRINGS, CALIFORNIA, TUESDAY, AUGUST 6, 1996

4:00 P.M.

MS. DOUGAN: GOOD AFTERNOON. I'M JULIA DOUGAN. I'M THE AREA MANAGER OF THE BUREAU OF LAND MANAGEMENT, PALM SPRINGS-SOUTH COAST RESOURCE AREA.

I'D LIKE TO THANK ALL OF YOU FOR TAKING TIME OUT OF YOUR PERSONAL LIVES TO COME AND PARTICIPATE IN THE PUBLIC COMMENT PROCESS FOR THE EAGLE MOUNTAIN LANDFILL PROJECT. I'D LIKE TO TAKE JUST A MOMENT TO GO OVER HOW WE ARE GOING TO PROCEED AT TODAY'S HEARING.

THE HEARING WILL BE RUN BY A HEARING OFFICER. HE WILL START OFF WITH SOME OPENING REMARKS, EXPLAINING TO YOU THE PROCESS WE'LL BE USING. THEN WE WILL HAVE A BRIEF PRESENTATION OF THE PROPOSED PROJECT, FOLLOWED BY YOUR PUBLIC COMMENTS, AND THEN WE'LL HAVE SOME CLOSING REMARKS FROM THE HEARING OFFICER. SO NOW I'LL TURN IT OVER TO THE HEARING OFFICER, CARL ROUNTREE.

MR. ROUNTREE: THANK YOU, JULIA.

GOOD AFTERNOON, LADIES AND GENTLEMEN. I WOULD LIKE TO GO AHEAD AND CALL THIS PUBLIC HEARING TO ORDER. MY NAME, AS JULIE HAD MENTIONED, IS CARL ROUNTREE. I'M WITH THE BUREAU OF LAND MANAGEMENT'S CALIFORNIA STATE OFFICE IN SACRAMENTO, CALIFORNIA, AND I'M IN THEIR ECOSYSTEMS, SCIENCES AND LANDS, AND LAND DIVISION.

THIS IS A PUBLIC HEARING THAT IS BEING CONDUCTED

FOR THE DEPARTMENT OF INTERIOR'S BUREAU OF LAND MANAGEMENT. I WOULD LIKE TO EMPHASIZE THIS HEARING IS BEING CONDUCTED IN ORDER TO RECEIVE YOUR INFORMATION, YOUR VIEWS, ANY COMMENTS AND SUGGESTIONS THAT YOU MIGHT HAVE ON THE ADEQUACY OF THE ENVIRONMENTAL IMPACT STATEMENT FOR THE EAGLE MOUNTAIN LANDFILL AND RECYCLING CENTER.

THIS DOCUMENT WAS PREPARED BY THE BUREAU OF LAND MANAGEMENT AND BY THE COUNTY OF RIVERSIDE UNDER CONTRACT WITH CH2M HILL. FOLLOWING MY OPENING REMARKS A BRIEF PRESENTATION WILL BE MADE BY MR. TOM PETERS FROM CH2M HILL. AFTER MR. PETERS COMPLETES GIVING YOU AN OVERVIEW OF THE PROJECT, I WILL BE CALLING ON THE INDIVIDUALS WHO HAVE SIGNED UP TO MAKE COMMENTS AT THIS HEARING.

THE EAGLE MOUNTAIN LANDFILL ENVIRONMENTAL IMPACT STATEMENT AND ENVIRONMENTAL IMPACT REPORT -- AND WE USE THE TWO, SINCE ONE WAS PREPARED FOR BLM AND ONE WAS PREPARED FOR THE COUNTY -- WAS OFFICIALLY RELEASED FOR PUBLIC REVIEW ON JULY 12, 1996. THE SUBSEQUENT NOTICE OF AVAILABILITY WAS PUBLISHED IN THE FEDERAL REGISTER ON THAT SAME DATE, JULY 12, 1996.

A 60-DAY PUBLIC COMMENT PERIOD IS CURRENTLY UNDERWAY, AND THE COMMENTS WILL BE RECEIVED AND ACCEPTED IN WRITING ONLY THROUGH SEPTEMBER 12TH -- I'M SORRY, SEPTEMBER 17, 1996. COMMENTS MUST BE SUBMITTED TO EITHER THE BUREAU OF LAND MANAGEMENT'S DISTRICT OFFICE IN RIVERSIDE, CALIFORNIA, OR THE COUNTY OF RIVERSIDE PLANNING DEPARTMENT IN RIVERSIDE,

CALIFORNIA.

A TOTAL OF FOUR PUBLIC HEARINGS, INCLUDING THIS PUBLIC HEARING, ARE BEING HELD IN CONJUNCTION WITH THE ENVIRONMENTAL IMPACT STATEMENT AND ENVIRONMENTAL IMPACT REPORT. ONE WAS HELD LAST NIGHT, AUGUST 5TH AT DESERT CENTER. THIS ONE THIS EVENING IN PALM SPRINGS. ANOTHER ONE TOMORROW EVENING WILL BE IN YUCCA VALLEY, AND AUGUST THE 8TH IN RIVERSIDE, CALIFORNIA.

FOR THOSE OF YOU WHO ARE INTERESTED, A HANDOUT CONTAINING THE LOCATIONS, THE TIMES, THE DATES OF THESE PUBLIC HEARINGS IS AVAILABLE AT THE SIGN-IN DESK WHICH YOU PASSED COMING IN THIS AFTERNOON. THE COUNTY OF RIVERSIDE WILL BE CONDUCTING ADDITIONAL HEARINGS BEFORE THE COUNTY PLANNING COMMISSION AND THE BOARD OF SUPERVISORS ON THE FINAL ENVIRONMENTAL IMPACT STATEMENT AND ENVIRONMENTAL IMPACT REPORT AND COUNTY LAND USE ENTITLEMENTS AFTER THE FINAL DOCUMENT IS PUBLISHED.

THE PURPOSE OF THESE HEARINGS IS TO PROVIDE YOU WITH THE OPPORTUNITY TO VERBALLY ADDRESS THE CONTENT OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT AND DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE LANDFILL PROJECT. WE WILL NOT BE ANSWERING QUESTIONS AT THIS HEARING; THAT'S NOT THE PURPOSE. IF YOU HAVE ANY QUESTIONS ABOUT THE PROJECT, I WOULD ASK YOU TO PLEASE ADDRESS THEM IN WRITING TO EITHER THE BUREAU OF LAND MANAGEMENT IN RIVERSIDE, OR THE COUNTY OFFICES IN RIVERSIDE, AND THEY WILL BE ANSWERED FORMALLY IN WRITING.

AT THIS POINT I WOULD LIKE TO TURN OVER THE FORUM TO MR. TOM PETERS, WHO WILL GIVE A 10-TO-15 MINUTE PRESENTATION ON THE PROJECT. TOM.

MR. PETERS. THANK YOU, CARL.

MY NAME IS TOM PETERS. I'M PROJECT MANAGER FOR THE CH2M HILL. WE WERE THE FIRM PRIMARILY RESPONSIBLE FOR PREPARING THE ENVIRONMENTAL IMPACT STATEMENT AND IMPACT REPORT. AS CARL MENTIONED, OUR PRIMARY PURPOSE TONIGHT IS TO TAKE TESTIMONY FROM ALL OF YOU. SO I JUST WANT TO TAKE A COUPLE OF MINUTES TO BRIEFLY REVIEW SOME OF THE HISTORY AND HOW WE GOT TO WHERE WE ARE TODAY.

SO IN THE FEW MINUTES THAT I'LL TAKE HERE WE ARE GOING TO TALK ABOUT THE HISTORY OF THE EAGLE MOUNTAIN ' ENVIRONMENTAL IMPACT STATEMENT AND IMPACT REPORT, THE ENVIRONMENTAL IMPACT STATEMENT PROCESS, A BRIEF DESCRIPTION OF THE PROJECT, AND THEN A BRIEF SUMMARY OF THE ALTERNATIVES THAT ARE DISCUSSED AND DESCRIBED IN THE ENVIRONMENTAL IMPACT STATEMENT.

IN 1992, THE COUNTY OF RIVERSIDE CERTIFIED THE PREVIOUS ENVIRONMENTAL IMPACT REPORT THAT WAS COMPLETED FOR THE PROJECT. AT THE SAME TIME, AND LATER IN 1993, THE BUREAU OF LAND MANAGEMENT COMPLETED WHAT IS KNOWN AS A RECORD OF DECISION, AND THAT IS A RECORD OF BLM'S CONSIDERATION OF VARIOUS ALTERNATIVES THAT WERE EXAMINED IN THE IMPACT STATEMENT. BOTH THE CERTIFICATION PROCESS AT THE COUNTY LEVEL AND THE RECORD OF DECISION AT THE FEDERAL LEVEL ARE THE

LEAD AGENCIES' REQUIREMENTS FOR ADOPTING AND CERTIFYING THAT THE ENVIRONMENTAL IMPACT STATEMENT HAS GONE THROUGH THE NECESSARY APPROVALS.

THERE WERE LAWSUITS FILED IN THE STATE COURTS CONCERNING THE ADEQUACY OF THE DOCUMENT IN TERMS OF ITS MEANING IN REGARD TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS. AND IN 1994 A JUDGE RENDERED A DECISION WHICH REQUIRED SEVERAL ADDITIONAL AREAS OF INFORMATION BE FURTHER ANALYZED AND REVISED BY THE IMPACT REPORT.

IN THE COURT DECISION, THE JUDGE REQUIRED THAT SEISMIC ACTIVITY AND SEISMIC ISSUES BE FURTHER ADDRESSED, THAT THE EFFECTIVENESS OF THE MITIGATION MEASURES THAT WERE DEVELOPED TO PROTECT THE DESERT TORTOISE BE FURTHER EXAMINED TO DETERMINE HOW EFFECTIVE THEY WOULD BE; THAT POTENTIAL IMPACTS ON JOSHUA TREE NATIONAL MONUMENT, WHICH IS NOW JOSHUA TREE NATIONAL PARK, BE FURTHER EXAMINED; AND THAT ADDITIONAL LEVEL I OR HAZARDOUS WASTE CHEMICAL SURVEYS BE CONDUCTED ON THE SITE TO DETERMINE WHAT, IF ANY, HAZARDOUS SUBSTANCES EXISTED AT THE EXISTING MINE; THAT THE POTENTIAL IMPACTS OF THE TOWNSITE THAT EXISTS OUT THERE ALSO BE FURTHER EXAMINED, AND THAT CUMULATIVE EFFECTS BE FURTHER EXAMINED.

THE RESULT OF THE COURT CASE IS THAT A NEW ENVIRONMENTAL IMPACT STATEMENT AND IMPACT REPORT HAS BEEN ISSUED. THAT WAS PUBLISHED IN JULY OF 1996. THE PURPOSE OF THAT NEW DOCUMENT IS WHY WE ARE HERE THIS EVENING. IT IS TO ADDRESS THE POTENTIAL IMPACTS OF THE EAGLE MOUNTAIN LANDFILL

AND RECYCLING CENTER.

AS CARL MENTIONED, THIS IS A JOINT FEDERAL AND STATE DOCUMENT, IT IS A BUREAU OF LAND MANAGEMENT ENVIRONMENTAL IMPACT STATEMENT WITH THE BUREAU SERVING AS THE LEAD AGENCY IN THE FEDERAL PROCESS. IT IS ALSO A CALIFORNIA ENVIRONMENTAL IMPACT REPORT WITH RIVERSIDE COUNTY SERVING AS THE LEAD AGENCY FOR THE CEQA PROCESS.

AFTER THE DRAFT E.I.S. WAS PUBLISHED IN JULY, WE ARE NOW BEGINNING THE PROCESS OF TAKING PUBLIC COMMENTS. THESE COMMENTS ARE TAKEN AND REVIEWED BY THE LEAD AGENCIES, THE BUREAU LAND MANAGEMENT AND THE COUNTY OF RIVERSIDE, AND A FINAL ENVIRONMENTAL IMPACT STATEMENT AND IMPACT REPORT WILL BE PREPARED AND PUBLISHED WHICH RESPONDS TO ALL THE COMMENTS THAT ARE BROUGHT UP DURING THE TESTIMONY. SO BOTH COMMENTS THAT YOU MAKE ORALLY TODAY AND SUBMITTED IN WRITING WILL ALL BE ADDRESSED AND RESPONDED TO IN THE FINAL ENVIRONMENTAL IMPACT STATEMENT.

THE BUREAU OF LAND MANAGEMENT THEN CONSIDERS THOSE COMMENTS, THE ANALYSIS IN THE DOCUMENT, AND PREPARES A NEW RECORD AND DECISION WHICH DOCUMENTS ITS CONCLUSIONS AND DECISIONS ABOUT THE PROJECT.

RIVERSIDE COUNTY WILL THEN ALSO CONDUCT FURTHER HEARINGS LATER THIS FALL AND RENDER ITS DECISION AS TO WHETHER TO CERTIFY THE ENVIRONMENTAL IMPACT REPORT.

JUST BRIEFLY DESCRIBING THE PROJECT, IT IS LOCATED, AS MOST OF YOU KNOW, ABOUT 70 OR 80 MILES EAST OF PALM

SPRINGS AND 10 MILES NORTH OF INTERSTATE 10 FROM DESERT CENTER. THE PROJECT COMPRISES THREE MAIN FEATURES. THE FIRST IS THE LAND EXCHANGES AND THE RIGHT-OF-WAYS THAT ARE REQUIRED TO DEVELOP THE LANDFILL AND TO OPERATE THE RAILROAD AND OTHER FACILITIES. THESE ARE LAND EXCHANGES BETWEEN THE BUREAU OF LAND MANAGEMENT AND KAISER, WHICH OWNS A SUBSTANTIAL PART OF THE PROPERTY.

THE SECOND MAJOR COMPONENT IS THE DEVELOPMENT OF THE LANDFILL. THIS IS A CLASS 3 MUNICIPAL WASTE LANDFILL. THIS IS A NONHAZARDOUS WASTE LANDFILL. THAT MEANS IT DOES NOT ACCEPT HAZARDOUS WASTE AT THE FACILITY.

THE THIRD COMPONENT IS THE RENOVATION OF AND REPOPULATION OF THE EAGLE MOUNTAIN TOWNSITE. THAT IS AN AREA THAT WAS CONSIDERED IN THE PREVIOUS E.I.R., AND AGAIN NEEDS TO BE FURTHER REFINED AND ANALYZED IN THIS DOCUMENT. THERE ARE ALSO SOME PLANNING REQUIREMENTS, PREPARATION OF SPECIFIC AREA PLANS AND SPECIFIC PLANS FOR PROCESSING TO THE RIVERSIDE COUNTY.

THE LANDFILL IS PROPOSED TO ACCEPT WASTE PRIMARILY BY RAIL. THERE WILL BE SOME ACCESS BY TRUCKS. THE PROPOSED ACCESS IS VIA THE IMPROVED EAGLE MOUNTAIN ROAD THAT IS LESS TRAVELED THAN THE EXISTING KAISER ROAD.

THE AMOUNT OF WASTE THAT WILL BE RECEIVED AT THE SITE WILL BE INCREMENTALLY INCREASED IN TIME, AND IT WILL INITIALLY START OUT WITH A VOLUME MUCH LESS THAN ITS FULL CAPACITY AT FULL OPERATIONS. AND THAT IS EXPECTED TO BE UP

TO A MAXIMUM OF 20,000 TONS PER DAY. THE SITE, ITSELF, IS ABOUT 4,654 ACRES. THAT INCLUDES EVERYTHING. THE LANDFILL, ITSELF, COMPRISES ABOUT HALF OF THAT AREA.

ONE OF THE ISSUES THAT CAME UP DURING THE "SOAKING" MEETINGS THAT WERE HELD PRIOR TO (INAUDIBLE). "SOAKING MEETINGS ARE HELD TO DETERMINE SOAK ISSUES THAT ARE ANALYZED IN THE ENVIRONMENTAL IMPACT STATEMENT. THE PRIMARY ISSUE THAT WAS RAISED, AND CONTINUES TO BE DISCUSSED, IS THE AMOUNT OF LANDFILL CAPACITY THAT EXISTS TODAY. THE E.I.S. AND E.I.R. EXAMINED THAT CAPACITY, AND THERE'S A SECTION IN THE DOCUMENT THAT LOOKS AT THE AMOUNT OF LANDFILL CAPACITY THAT EXISTS TODAY, WHAT WILL HAPPEN TO THAT CAPACITY OVER TIME, AND HOW MUCH CAPACITY IS NEEDED IN THE FUTURE.

WHAT THE ANALYSIS CONCLUDED WAS THAT THERE WILL BE A MID- AND LONG-TERM CAPACITY SHORTFALL; THAT IS, THE WASTE AS FILLED INTO THE LANDFILLS, THE AMOUNT OF PERMITTED CAPACITY THAT EXISTS TODAY IS DECREASING. SO ADDITIONAL LANDFILL SPACE WILL BE REQUIRED.

THIS GRAPH, WHICH I RECOGNIZE IS A LITTLE DIFFICULT TO SEE, THE BLUE AREA REPRESENTS THE AMOUNT OF EXISTING PERMITTED LANDFILL CAPACITY THAT EXISTS TODAY. WITH TIME, THAT CAPACITY WILL DROP. AND AS ADDITIONAL LANDFILL CAPACITY COMES ON, THAT WILL INCREASE. WHAT THE PURPLE AREA SHOWS IS PROJECTED NEED IN THE LONG TERM. SO YOU CAN SEE AS THE CAPACITY DROPS, BY THE YEAR 2005 THERE WILL BE A SHORTFALL IN THE AMOUNT OF CAPACITY AVAILABLE IN LANDFILL SPACE.

I MENTIONED THE TOWNSITE. IT IS A PART OF THE PROPOSED ACTION. IT INCLUDES THE RENOVATION AND REPOPULATION OF THE TOWNSITE. THE SPECIFIC PLAN IS DETAILED IN THE ENVIRONMENTAL IMPACT STATEMENT AND CONTAINS INFORMATION ABOUT ALL THE DIFFERENT SUBPLANNING AREAS WITHIN THE TOWNSITE. THE TOWNSITE, ITSELF, COMPRISES ABOUT 429 ACRES.

THE ENVIRONMENTAL IMPACT STATEMENT AND IMPACT REPORT CONSIDERS MANY ALTERNATIVES. THE PROPOSED ACTION, WHICH INCLUDES THE DEVELOPMENT OF THE LANDFILL, THE LAND EXCHANGES AND THE REPOPULATION OF THE TOWNSITE IS CALLED THE PROPOSED ACTION.

THERE IS A REQUIREMENT IN PREPARING ENVIRONMENTAL DOCUMENTS THAT A NO ACTION ALTERNATIVE BE CONSIDERED. SO THE IMPACTS OF NOT DEVELOPING THE LANDFILL AND DOING THE LAND EXCHANGES AND REPOPULATING THE TOWNSITE IS ALSO CONSIDERED.

THE E.I.S. LOOKS AT A REDUCED VOLUME ALTERNATIVE, WHICH IS 16,000 TONS PER DAY AS OPPOSED TO 20,000 TONS AS IS CURRENTLY PROPOSED. THERE IS AN ALTERNATIVE THAT LOOKS AT AN ALTERNATE ACCESS ROAD, ALONG KAISER ROAD, AND THAT IS THE IMPACTS TO THE COMMUNITIES AND BIOLOGICAL RESOURCES. THERE IS AN ALTERNATIVE WHICH IS RAIL ACCESS ONLY WHICH EXCLUDES TRUCKS. THERE IS AN ALTERNATIVE THAT EXAMINES THE LANDFILL ON KAISER LAND ONLY. AND THERE IS AN ALTERNATIVE THAT LOOKS AT DEVELOPING THE LANDFILL BUT NOT REDEVELOPING THE TOWNSITE.

THERE WERE SEVERAL OTHER ALTERNATIVES THAT WERE

CONSIDERED IN THE PROCESS, AND WHEN WE FIRST BEGAN TO EXAMINE OPTIONS WITH THE BUREAU OF LAND MANAGEMENT AND THE COUNTY, THERE WERE A NUMBER OF DIFFERENT OPTIONS THAT WERE SUGGESTED BOTH BY THE PUBLIC, BY AGENCIES AND OTHERS. SOME OF THOSE ARE STILL IN THE DOCUMENT AND CONSIDERED AS PART OF THE ALTERNATIVES. THERE ARE OTHER ALTERNATIVES THAT WERE EXAMINED THAT HAVE BEEN ELIMINATED FROM THEIR CONSIDERATION. THESE INCLUDE LANDFILL ON OTHER KAISER PROPERTY, DIVERTING THE WASTE, CONSTRUCTING A LANDFILL AT OTHER OFF-SITE LOCATIONS, MINING LANDFILLS AS A WAY TO INCREASE CAPACITY, COMPOSTING, AND ALSO SOME ALTERNATIVES THAT LOOK AT DEVELOPING THE TOWNSITE AT SOME OTHER LOCATION.

THERE ARE SUMMARIES AT THE ENTRY TO THE ROOM THAT INCLUDE A TABLE WHICH SUMMARIZES THE ENVIRONMENTAL IMPACT MITIGATION MEASURES FOR EACH OF THESE ALTERNATIVES SET FORTH THERE. IN TERMS OF THE PROPOSED ACTION, THERE ARE SEVERAL IMPACTS THAT CANNOT BE MITIGATED COMPLETELY TO A LEVEL OF NOT BEING SIGNIFICANT.

THE FIRST IS AIR EMISSIONS. AS MANY OF YOU KNOW, THE SO-CALLED EM-10 PARTICLES, THOSE ARE PARTICULATE PARTICLES THAT ARE LESS THAN 10 MICRONS IN SIZE. THERE ARE FEDERAL AND STATE AIR QUALITY STANDARDS THAT ARE CURRENTLY EXCEEDED, SO THAT ANY PROJECT THAT GETS DEVELOPED IS CONSIDERED A SIGNIFICANT IMPACT IF IT GENERATES ADDITIONAL AIR EMISSIONS.

THERE WILL BE A POTENTIAL REDUCTION IN THE BAT

POPULATIONS. THERE ARE SEVERAL SPECIES OF BAT THAT HABITAT THE MINE, THE MINE SHAFT AT THE SITE. THESE ARE NOT SPECIES THAT ARE ON THE VERY ENDANGERED SPECIES LIST, BUT WITH ADDITIONAL ACTIVITY UP THERE, THERE IS A SPECULATION THAT BATS WILL RELOCATE TO OTHER PLACES.

THERE IS A DISCUSSION ALSO OF THE POTENTIAL IMPACTS TO THE WILDERNESS. THERE IS A SECTION THAT DESCRIBES IMPACTS TO -- POTENTIAL IMPACTS TO WILDERNESS RESOURCES AND TO THE EXPERIENCE THAT PEOPLE HAVE WITH THE WILDERNESS. AND THE CONCLUSION THAT THE DOCUMENT REACHES IS THAT EACH INDIVIDUAL PERSON'S EXPERIENCE IS SUBJECTIVE; PEOPLE WILL REACT DIFFERENTLY TO THE DEVELOPMENT OF A LANDFILL AND OTHER FACILITIES NEAR JOSHUA TREE. SO THE CONCLUSION IS THAT THERE WILL BE SOME -- LIKELY SOME PEOPLE WHOSE EXPERIENCES OF WILDERNESS WILL BE ADVERSELY IMPACTED BY THE PROJECT.

THERE IS A DISCUSSION ALSO OF CUMULATIVE EFFECTS IN THE DOCUMENT. THERE IS A REQUIREMENT IN ENVIRONMENTAL IMPACT STATEMENTS THAT YOU EXAMINE NOT JUST THE EFFECTS OF A PROPOSED PROJECT SUCH AS THE LANDFILL, BUT LOOK AT THE IMPACTS AND EXAMINE THOSE IN TERMS AND IN CONTEXT OF THE PROJECT ITSELF AND OTHER PROPOSED ACTIONS.

THERE IS A PROPOSED HYDROELECTRIC PROJECT IN THE SAME GENERAL AREA. SO THE DOCUMENT LOOKS AT THESE AND OTHER PROJECTS IN TERMS OF THE POTENTIAL CUMULATIVE IMPACTS.

FINALLY, I WOULD JUST LIKE TO MENTION THAT THERE WERE ABOUT 350 COPIES OF THE ENVIRONMENTAL IMPACT STATEMENT

PUBLISHED AND DISTRIBUTED. WE DO HAVE SOME COPIES OF THE ENVIRONMENTAL IMPACT STATEMENT STILL AVAILABLE FOR DISTRIBUTION. THERE WERE ABOUT HALF THAT NUMBER OF TECHNICAL APPENDICES THAT WERE ALSO PRODUCED. AND THESE DOCUMENTS ARE LOCATED AT THE BUREAU OF LAND MANAGEMENT, AT THE RIVERSIDE COUNTY PLANNING DEPARTMENT, AND IN LIBRARIES AND OTHER PUBLIC PLACES THROUGHOUT THE COACHELLA VALLEY, IN SAN BERNARDINO AND RIVERSIDE. AND ALSO, BECAUSE THERE HAVE BEEN SOME REQUESTS BY PEOPLE IN THE BAY AREA, WE HAVE SENT A COPY TO THE SAN FRANCISCO CITY LIBRARY AS WELL.

IF SOMEONE NEEDS AN ADDITIONAL COPY OF THE E.I.S. REPORT, PLEASE SEE JOAN AT THE BACK TABLE IN THE ENTRY ROOM AND WE CAN TAKE YOUR NAME AND ADDRESS. THE TECHNICAL APPENDICES, BECAUSE THEY ARE COMPLETELY GONE, WE CAN REPRODUCE THOSE FOR COST, AND MAKE THOSE AVAILABLE ALSO.

WITH THAT, CARL.

MR. ROUNTREE: THANK YOU, TOM.

AT THIS TIME, LADIES AND GENTLEMEN, I WOULD LIKE TO BEGIN ACCEPTING ORAL COMMENTS ON THE EAGLE MOUNTAIN LANDFILL ENVIRONMENTAL IMPACT STATEMENT AND ENVIRONMENTAL IMPACT REPORT. FOR THOSE OF YOU WHO HAVE JUST COME IN THIS AFTERNOON, IF YOU PLAN TO MAKE A STATEMENT DURING THE COURSE OF THE HEARING, PLEASE BE SURE TO SIGN IN. THE SIGN-IN SHEET CONTAINS A BOX WHICH I THINK YOU'VE PROBABLY SEEN. CHECK IT IF YOU WOULD LIKE TO MAKE A PUBLIC COMMENT.

ONLY THOSE PERSONS WHO DO SIGN UP TO SPEAK WILL BE

CALLED. I WOULD LIKE TO EMPHASIZE THAT EVEN IF YOU DO NOT PLAN TO MAKE A COMMENT, IF YOU WOULD, PLEASE, FILL OUT THE SHEET SO WE'LL HAVE AN ACCURATE ATTENDANCE LIST.

THE OFFICIAL REPORTER TO MY RIGHT, CAROLYN PETERSON WITH CAROL YATES & ASSOCIATES, WILL BE PREPARING A VERBATIM TRANSCRIPT OF EVERYTHING THAT IS SAID AT THIS HEARING THIS AFTERNOON. IF YOU WISH TO OBTAIN A COPY OF THIS TRANSCRIPT, YOU SHOULD MAKE YOUR OWN ARRANGEMENTS WITH THE FIRM. I UNDERSTAND THAT COPIES WILL BE AVAILABLE IN 10 DAYS TO TWO WEEKS.

TO ENSURE A COMPLETE AND ACCURATE RECORD OF THIS HEARING, ONLY ONE PERSON AT A TIME WILL BE PERMITTED TO SPEAK. I WOULD RESPECTFULLY ASK THAT THE REST OF YOU REMAIN QUIET TO GIVE EACH PERSON THEIR DUE. DURING THE HEARING ONLY THE DESIGNATED SPEAKER WILL BE RECOGNIZED. TO ASSIST THE REPORTER, IF YOU WOULD, PLEASE, STATE YOUR NAME, YOUR ADDRESS AND WHO YOU REPRESENT, WHETHER YOU ARE AN INDIVIDUAL OR IF YOU ARE REPRESENTING AN ORGANIZATION. AND CAROLYN ALSO ASKS IF YOU WOULD, PLEASE, TO SPEAK SLOWLY SO THAT SHE CAN BE SURE TO PICK UP EVERYTHING THAT YOU DO SAY.

BECAUSE OF THE NUMBER OF INDIVIDUALS THAT WE HAVE SPEAKING THIS EVENING AND WHO HAVE SIGNED UP, THE COMMENTS OF EACH DESIGNATED SPEAKER WILL BE HELD TO FIVE MINUTES TO ENSURE THAT EVERYONE WHO HAS REQUESTED WILL BE GIVEN THE OPPORTUNITY TO DO SO, TO SPEAK. WE WILL INFORM EACH SPEAKER -- AND MS. CHRISTINE ROBERTS TO MY LEFT HAS A

ONE-MINUTE SIGN THAT SHE WILL BE HOLDING UP TO LET YOU KNOW THAT YOU HAVE ONE MINUTE LEFT IN YOUR PRESENTATION.

IF WE DO HAVE TIME AVAILABLE AT THE END OF THE HEARING AND SOMEONE IS NOT ABLE TO GET THROUGH EVERYTHING THEY WOULD LIKE TO SAY, WE'LL GO AHEAD AND GIVE EVERYONE WHO WOULD LIKE TO SPEAK AN EXTRA FIVE MINUTES. FOR THOSE THAT DO WISH TO EXERCISE THAT EXTRA FIVE MINUTES WILL BE CALLED IN THE ORDER THAT THEY WERE THAT THEY SIGNED UP PREVIOUSLY.

I WOULD ALSO LIKE TO POINT OUT THAT WRITTEN COMMENTS WILL BE ACCEPTED BOTH AS SUBSTITUTES FOR ORAL COMMENTS, AS WELL AS SUPPLEMENTARY MATERIAL TO THE ORAL COMMENTS. WRITTEN COMMENTS CAN BE SUBMITTED TO ME OR ANY OF THE STAFF AT THE END OF THIS PUBLIC HEARING, OR MAILED' DIRECTLY TO THE BUREAU OF LAND MANAGEMENT'S OFFICE IN RIVERSIDE, ALSO TO THE COUNTY OF RIVERSIDE PLANNING DEPARTMENT IN RIVERSIDE AS WELL. THESE ADDRESSES ARE AVAILABLE AT THE SIGN-UP DESK AT THE FRONT DOOR.

ALL WRITTEN COMMENTS AND ORAL COMMENTS THAT ARE RECEIVED BY THE BUREAU AND BY THE COUNTY BEFORE SEPTEMBER 17, 1996 WILL BE INCLUDED AS A PART OF THE OFFICIAL RECORD. WRITTEN STATEMENTS WILL BE GIVEN EQUAL WEIGHT ALONG WITH ORAL COMMENTS MADE IN THIS AND OTHER HEARINGS THAT ARE HELD IN CONJUNCTION WITH THE PROJECT.

FOR THOSE ATTENDING THIS HEARING WHO WISH TO MAKE AN ORAL PRESENTATION, IT WOULD BE HELPFUL TO THE REPORTER IF YOU WOULD PROVIDE A COPY OF ANY PREPARED TEXT OR STATEMENT TO

HER.

ARE THERE ANY QUESTIONS REGARDING ANYTHING PERTAINING TO THE HEARING? IF NOT, THEN I WOULD LIKE TO CALL THE FIRST SPEAKER, DEE DEE STONE.

BY MS. DEE DEE STONE: MY NAME IS DEE DEE STONE. I LIVE HERE IN PALM SPRINGS. I FEEL VERY BADLY ABOUT HOW LONG -- HOW MANY YEARS THIS HAS BEEN GOING THROUGH, WHEN WE ALL KNOW THAT LANDFILLS DO LEAK, REALLY. AND I'M VERY SURPRISED AT THIS POINT WHY OTHER ALTERNATIVES HAVE NOT BEEN CREATED WHEN A PLANNING COMMISSION YEARS AGO VOTED NO ON THIS CONCEPT. THAT SHOULD HAVE BEEN THE LAST TIME WE HEARD ABOUT IT.

16-1

POOR RICK DANIELS AND HIS GROUP HAVE INVESTED SO MUCH MONEY THAT THEY CAN'T TURN THEIR BACK ON THIS PROJECT. AND YET IT IS NOT A GOOD IDEA. WHY THE PLANNING COMMISSION DOESN'T PUT OUT THE WORD TO THE UNIVERSITY'S ENGINEERING DEPARTMENT, ARCHITECTURE DEPARTMENT FOR BETTER, MORE CREATIVE IDEAS, I DON'T KNOW. BUT TO BURY CRAP IS NOT THE MOST SOPHISTICATED WAY OF GETTING RID OF SOMETHING. AND I HAVE SAID THIS SO MANY TIMES AND THERE'S SO MANY PEOPLE HERE TODAY, AND I COULD GO ON AND ONE, WHO GIVE UP OUR TIME TO COME HERE.

I'M SORRY TO SAY THAT THE BUSINESS IN THIS COUNTRY TODAY IS (INAUDIBLE) BUSINESS; IT HAS TOTALLY TURNED ITS BACK ON THE HUMAN CONDITION, AND WE WONDER WHAT'S HAPPENING TO OUR CHILDREN AND THEIR VALUES. I'M JUST SAYING, WE ARE ONLY

Response to Comment 16-1 Summary

Please see General Response 5.

TALKING ABOUT MONEY, AND THAT'S ALL IT IS. BUT TO CARE ABOUT HUMANITY IS WHERE WE SHOULD BE.

AND THIS IS NOT A GOOD IDEA. TO PUT STUFF IN THE GROUND IS COUNTERPRODUCTIVE. TO TELL US THAT THE TRUCKS WON'T BE THE MAIN TRANSPORTATION, IT WILL BE THE TRAINS, IT STILL IS NOT GOING TO FLY. YOU ARE GOING TO ALL KNOW THAT IT DOES LEAK, AND THAT IS WHERE IT'S ALL ABOUT, AND THERE SHOULD BE ANOTHER WAY OF GETTING RID OF WASTE.

MR. ROUNTREE: THANK YOU, MS. STONE.

ABRAHAM ROTHSTEIN.

BY MR. ABRAHAM ROTHSTEIN: I WOULD LIKE TO THANK YOU FOR THIS OPPORTUNITY TO SPEAK TO YOU. MY NAME IS ABRAHAM ROTHSTEIN. MY ADDRESS IS 8428 BANANA AVENUE, FONTANA, CALIFORNIA.

THE PERSON WHO JUST SPOKE, I HAVE GREAT ADMIRATION FOR HER COURAGE. BUT I WOULD LIKE TO POINT OUT ONE OR TWO THINGS MYSELF WITH REGARD TO WHAT SHE SPOKE OF. 16-2

I CAME TO FONTANA IN 1958. I'M LIVING ON FIVE ACRES, AND PRACTICALLY THERE IS NO GARBAGE COLLECTION. ON THE FIVE ACRES WE DUG A HOLE, A DEEP HOLE, AND WE BEGAN PUTTING THE STUFF IN THE GROUND AND COVERING IT UP. BUT AFTER A WHILE THE THOUGHT CAME TO ME, WELL, MAYBE MY LIVESTOCK WOULD EAT IT, SO TRY THAT. AND WE DIDN'T NEED THE HOLE IN THE GROUND ANYMORE. THAT SOLVED THAT PROBLEM.

HOWEVER, HERE IN EAGLE MOUNTAIN THERE'S THIS GREAT BIG HOLE IN THE GROUND. I DON'T KNOW WHAT THIS LADY PROPOSES

Response to Comment 16-2 Summary

Comment acknowledged.

TO DO WITH THE HOLE.

NOW, ANOTHER POINT THAT OCCURS TO SOME OF US, IS THAT THAT PLACE WAS MINED FOR 40 YEARS. THERE WERE TORTOISES THERE, THERE WAS ALL SORTS OF WILDLIFE THERE THEN, AND JOSHUA TREE WAS THERE THEN, ALSO. WHY IS IT THAT NOW THESE THINGS ARE BECOMING SO CRUCIAL? THERE WERE TRUCKS AND TRAINS COMING OUT OF THAT EAGLE MOUNTAIN EVERY DAY CARRYING IRON ORE PELLETTS TO THE STEEL MILL. I SAW IT MYSELF MANY TIMES. SO I DON'T THINK IT'S AN ARGUMENT ANYMORE.

I WORKED AT KAISER FOR 25 YEARS. I'M FAMILIAR WITH THE SURROUNDINGS. I HAVE REVIEWED THE ENVIRONMENTAL IMPACT DRAFT DOCUMENT AND BELIEVE THAT IT ADEQUATELY ADDRESSES THE POTENTIAL IMPACTS OF THE PROPOSED EAGLE MOUNTAIN LANDFILL. BUT I'LL REPEAT AGAIN AND EMPHASIZE THAT FOR 40 YEARS IT WAS A MINE, AND THOSE TRUCKS AND TRAINS WERE GOING THERE ALL THE TIME, AND THERE WERE PEOPLE LIVING THERE ALL THE TIME. WHO WAS COMPLAINING THEN?

I'LL MENTION ANOTHER POINT, IF I MIGHT, SIR. THE PROTECTION BETWEEN THE FIRST AMOUNT OF HOUSEHOLD TRASH THAT IS GOING TO GO INTO THAT HOLE AND THE GROUND UNDERNEATH IT IS GOING TO HAVE SOMETHING LIKE 15 FEET OF AGGREGATE ROCK, CLAY, PLASTIC, AND MORE AND MORE AND MORE, ABOUT 15 FEET OF THAT. AND THERE'S GOING TO BE, AS I RECALL, ALL SORTS OF SUCTION TO TAKE THE BUILDUP OF GASSES OUT AND WATER THAT ACCUMULATES.

NOW, NOT TOO FAR AWAY, IN MY MIND, IS ANOTHER THING THAT YOUR ORGANIZATION IS CONSIDERING. YOU ARE CONSIDERING A

16-3

Response to Comment 16-3

Comment acknowledged. This EIS/EIR does not address Ward Valley.

NUCLEAR WASTE DUMP AT WARD VALLEY, 18 MILES, 20 MILES FROM THE RIVER. THIS IS 48 MILES FROM THE RIVER. SIX YEARS AGO OR FIVE YEARS AGO AT LAKE TAMARISK AN ENGINEER FROM BLYTHE CAME AND SAID THAT ALL OF THIS IS GOING TO CONTAMINATE THE WATER FROM EAGLE MOUNTAIN, CONTAMINATE THE WATER THERE. SO I SAY TO YOU, HOW ABOUT WARD VALLEY? WITH NOTHING TO KEEP NUCLEAR WASTE, WHICH IS HAZARDOUS AND TOXIC, ONLY A 55-GALLON DRUM. IF YOU EVER LET THAT WARD VALLEY PLACE GO AND YOU DON'T LET EAGLE MOUNTAIN GO, WHAT ARE YOU GOING TO LOOK LIKE TO THE AMERICAN PUBLIC? THANK YOU.

(APPLAUSE.)

MR. ROUNTREE: THANK YOU, MR. ROTHSTEIN.

TOM RABONE.

BY MR. TOM RABONE: LADIES AND GENTLEMEN, MY NAME IS TOM RABONE. I LIVE AT 15955 MANZANITA DRIVE, FONTANA, CALIFORNIA. I WOULD LIKE TO ADDRESS THE PORTION OF THE ENVIRONMENTAL IMPACT DOCUMENT DEALING WITH THE POTENTIAL IMPACTS TO JOSHUA TREE NATIONAL PARK.

16-4 PRIOR TO THE RECENT ENACTMENT OF THE CALIFORNIA DESERT PROTECTION ACT, THE JOSHUA TREE NATIONAL MONUMENT WAS ALMOST COMPLETELY SCREENED FROM THE PROPOSED LANDFILL PROJECT AREA BY AN INTERVENING RIDGE AND PEAK WHICH RISE TO A HEIGHT OF SOME 800 FEET ABOVE THE HIGHEST ELEVATION OF THE LANDFILL. A PORTION OF THE EXTENSIVE DISTURBANCE RELATED TO PAST MINING ACTIVITIES ON THE PROPERTY OUTSIDE AND TO THE WEST OF THE LANDFILL PROJECT AREA COULD BE SEEN FROM SEVERAL

Response to Comment 16-4

Comment acknowledged. The viewshed (area from which the Project is visible) map in the Draft EIS/EIR (Figure 3.10-2) shows that the Project site is visible from JTNP to the northeast, east, and south of the site. The intervening mountains to the west and directly north would screen the proposed Project from the JTNP in these same directions. The Draft EIS/EIR visual analysis confirms that the existing visually degraded mine site contrasts with the surrounding natural environment and uses the existing visual condition as a baseline to compare with the Project impacts.

LOCATIONS INSIDE THE MONUMENT.

WITH THE ENACTMENT OF THE DESERT PROTECTION ACT, THE MONUMENT WAS REDESIGNED A PARK -- REDESIGNATED A PARK, AND CONSIDERABLE ACREAGE WAS ADDED ALONG THE MARGINS OF THE CHUCKAWALLA VALLEY FROM WHICH THE LARGE LANDFILL AREA CAN BE SEEN. HOWEVER, THAT INCREASED PARK AREA CAN PRESENTLY VIEW, AND WILL ALWAYS VIEW, THE EXTENSIVE EXISTING DISTURBANCE OF THE FORMER KAISER MINED AREA, THE COMMUNITY OF EAGLE MOUNTAIN, AND THE COMMUNITY CORRECTIONAL FACILITY.

THE INTERVENING AREAS BETWEEN THE PARK EXPANSION AND THE LANDFILL PROJECT AREA AND THE EAGLE MOUNTAIN COMMUNITY ARE CURRENTLY OCCUPIED BY NUMEROUS DEVELOPMENTS IN PLAIN SIGHT, INCLUDING THE COLORADO RIVER AQUEDUCT, THE EAGLE MOUNTAIN PUMP STATION, THE METROPOLITAN WATER DISTRICT AND ITS EMPLOYEE COMMUNITY, IMPROVED AND UNIMPROVED ROADWAYS AND THEIR ASSOCIATED EXISTING TRAFFIC CLUSTERS OF RESIDENTIAL DWELLINGS, FOUR KAISER WELL SITES AND THE WATER STORAGE AND PUMPING STATIONS, THE CAMPUS OF THE DESERT CENTER SCHOOL DISTRICT, THE KAISER RAIL LINE, AND NUMEROUS UTILITY AND COMMUNICATION CORRIDORS.

CLEARLY, THE VISUAL PROSPECT FROM THOSE LANDS ADDED TO THE PARK BY THE PASSAGE OF THE ACT IS CURRENTLY IMPACTED BY THESE MANY INTERVENING EYESORES, AND CAN IN NO WAY BE CONSIDERED PRISTINE.

16-5 AS FAR AS NIGHT AND SKY POLLUTION IS CONCERNED, THE EXISTING NIGHT SKY IS CURRENTLY IMPACTED BY NIGHT VEHICULAR

Response to Comment 16-5

Comment acknowledged. The Draft EIS/EIR analysis indicates that the proposed Project would create a new source of night light in an area where there are currently many existing sources of light. Please see the nighttime light analysis provided in Appendix W of the Final EIS/EIR.

TRAFFIC AS WELL THE NIGHT LIGHTING FROM THE COACHELLA VALLEY COMMUNITIES AND TWENTYNINE PALMS. WHEN KAISER WAS OPERATING THE MINE 24 HOURS A DAY WITH UP TO 1,700 EMPLOYEES, MOVING LIGHTS RELATED TO EXTENSIVE LEAKS OF HEAVY MOBILE EQUIPMENT AND LIGHT VEHICLES AND SHOVELS AND DRILLS WERE CLEARLY VISIBLE FROM VARIOUS AREAS OF THE MONUMENT.

STATIONARY SOURCE LIGHTING OF KAISER PLANT'S MAINTENANCE FACILITIES AND THE COMMUNITY BRIGHTENED THE NIGHT SKY ADJACENT TO THE MONUMENT. CURRENTLY THE CORRECTIONAL FACILITY YARDS ARE WELL-LIT AT NIGHT. A PORTION OF THE COMMUNITY IS OCCUPIED AND STREET LIGHTS ARE OPERATING. ESTABLISHED ROADWAYS ALREADY ACCOMMODATE NIGHT TRAFFIC. THE CONCERN SHOULD BE THE AMOUNT OF ADDITIONAL NIGHT LIGHTING THAT MAY RESULT, AND NOT THAT THE PROJECT CONSTITUTES A NEW LIGHT SOURCE.

MOVING SOURCES OF LIGHTS ON THE SKYLINE WHICH WERE COMMON DURING THE MINING DAYS WILL NOT BE A FACTOR WITH THE LANDFILL PROJECT. TO ACCOMMODATE THE PARK, I UNDERSTAND THAT THE LANDFILL HAS AGREED TO USE SUBDUED LIGHTING RELATED TO ALL ACTIVITIES. THEN ONLY LIGHTING WHEN NECESSARY, AND TO SUSPEND LANDFILLING DURING EIGHT NIGHT HOURS AND THROUGHOUT SUNDAY NIGHTS. THE EXTENSIVE PLANNED AREAS HAVE BEEN RAISED TO BE REPLACED BY LIGHT SOURCES OF FAR SMALLER AND LESS-LIT CONTAINER TRANSFER YARDS AND STAGING AREAS.

PARK SERVICE PEOPLE WHO MIGHT REMEMBER THE CONSIDERABLE IMPACT THAT THE MINING OPERATION HAD UPON THE

NIGHT SKY SHOULD CONSIDER THE SCOPE OF THE TWO PROJECTS. IT'S GREATLY DIFFERENT FROM THE LANDFILL, BEING ONLY A SMALL FRACTION OF THE SIZE OF THE MINING OPERATION, AND THAT UNLIKE THE MINING OPERATIONS, WHICH WERE VISIBLE FROM FAIRLY BROAD AREAS OF THE MONUMENT.

THOSE SAME LANDS ARE SHIELDED FROM VIEW OF THE LANDFILL BY TOPOGRAPHIC SCREENING. ALL IN ALL, THE LANDFILL PROJECT WILL HAVE MINIMAL IMPACT ON THE PARK. THE NEW ENVIRONMENTAL ANALYSIS PROVES THE POINT.

THANK YOU.

MR. ROUNTREE: THANK YOU, MR. RABONE.

MIKE URBANEK.

BY MR. MIKE URBANEK: GOOD AFTERNOON. MY NAME IS MIKE URBANEK. I LIVE AT 16372 MANZANITA AVENUE, FONTANA, CALIFORNIA. AND I WOULD LIKE TO MAKE SOME COMMENTS REGARDING THIS HEARING TODAY. 16-6

THE PROPOSED FEDERAL ACTION UNDER CONSIDERATION IS A LAND EXCHANGE AND ASSOCIATED RIGHT OF WAY BETWEEN THE BLM AND KAISER EAGLE MOUNTAIN. BECAUSE OF THE RECLAMATION NATURE OF THE PROJECT, AS WELL AS MINIMAL ENVIRONMENTAL IMPACTS AND THE VALUE OF THE EXCHANGED LANDS TO THE FEDERAL GOVERNMENT'S EFFORTS TO CONSOLIDATE HOLDINGS IN THE AREA, THE EAGLE MOUNTAIN SITE PROPOSAL IS A WIN-WIN OPPORTUNITY FOR THE FEDERAL GOVERNMENT AND THE PEOPLE OF CALIFORNIA.

THE LANDFILL PROJECT AREA IS A PORTION OF A MUCH LARGER INDUSTRIAL SITE WHICH OPERATED OVER 40 YEARS AS THE

Response to Comment 16-6

Comment acknowledged.

EAGLE MOUNTAIN MINE. OVER 900 MILLION TONS OF ROCK WERE REMOVED FROM THE OPEN PITS IN THIS MOUNTAINOUS SETTING. APPROXIMATELY 700 MILLION TONS OF WASTE ROCK STILL REMAINS ON THE PROPERTY SURROUNDING THE OPEN PITS. SINCE THIS DISTURBANCE PREDATED THE CALIFORNIA SURFACE MINING AND RECLAMATION ACT, VIRTUALLY NO RECLAMATION OF THE DEVASTATED LANDSCAPE IS REQUIRED BY LAW.

THE EAGLE MOUNTAIN LANDFILL PROJECT WOULD RECLAIM A SUBSTANTIAL PORTION OF THIS SITE. THROUGHOUT THE LIFE OF THE LANDFILL PROJECT, THE 700 MILLION TONS OF RESIDUAL ROCK WILL BE UTILIZED IN THE CONSTRUCTION OF THE PROJECT, RECLAIMING THE AREAS SPOILED BY THE MINING OPERATION, MOST IMPORTANTLY THE PORTION WHICH IS NOW VISIBLE IN THE CHUCKWALLA VALLEY.

UTILIZATION AND CONCURRENT RECLAMATION OF THIS DAMAGED SITE BY THE LANDFILL PROJECT SEEMS A PREFERABLE ALTERNATIVE TO THE USE OF OTHER PROPOSED, UNDISTURBED, PRISTINE SITES. I ENCOURAGE THE BLM TO MOVE FORWARD WITH THE APPROVAL AND THE PROPOSED ACTION.

THANK YOU.

MR. ROUNTREE: THANK YOU, MR. URBANEK.

(APPLAUSE)

MR. GERRY FAWCETT.

BY MR. GERRY FAWCETT: GOOD AFTERNOON. MY NAME IS GERRY FAWCETT. I AM PRESIDENT AND CHIEF OPERATING OFFICER OF KAISER VENTURES, THE LANDOWNER OF EAGLE MOUNTAIN. MY ADDRESS IS 1046 LAGUNA SECA COURT, BANNING, CALIFORNIA. AND I HAVE A

FEW COMMENTS, AND I WOULD LIKE TO START OFF BY COMMENDING THE BLM FOR CONDUCTING A THOROUGH AND OPEN PROCESS IN REVIEW OF THE PROPOSED LAND EXCHANGE BETWEEN KAISER AND THE BLM.

THIS LAND EXCHANGE IS A WIN FOR THE FEDERAL GOVERNMENT AND A WIN FOR KAISER. HAVING APPROVED THE LAND EXCHANGE AND GRANTED THE RIGHTS-OF-WAY PREVIOUSLY, THE BLM KNOWS THE VALUE OF EXCHANGING KAISER LANDS WHICH ARE CRITICAL HABITAT FOR THREATENED SPECIES, FOR FEDERAL LANDS WHICH ARE DAMAGED BY THE CASE OF MINING.

16-7 IN ADDITION TO ITS ENVIRONMENTAL AND RECLAMATION BENEFITS, THE LAND EXCHANGE WILL HELP CLEAR THE WAY FOR RIVERSIDE COUNTY'S REVIEW OF THE EAGLE MOUNTAIN PROJECT. WITH ITS APPROVAL, THE EAGLE MOUNTAIN PROJECT WILL RETURN MUCH-NEEDED JOBS AND ECONOMIC BENEFITS TO RIVERSIDE COUNTY.

THE ENVIRONMENTAL QUESTIONS ON THIS LAND EXCHANGE AND PROJECT HAVE BEEN ASKED AND ANSWERED. THE E.I.S. AND E.I.R. IS AN EXTENSIVE AND A COMPLETE DOCUMENT, THOROUGHLY COVERING ALL THE ISSUES OF THE LAND EXCHANGE. OF THE ALTERNATIVES DISCUSSED, WE STRONGLY RECOMMEND THAT THE TRUCK TRAFFIC BE ROUTED ON EAGLE MOUNTAIN ROAD, AS PROPOSED.

THROUGHOUT 50 YEARS OF OPERATION AT EAGLE MOUNTAIN, KAISER HAS BEEN A GOOD NEIGHBOR TO THE COMMUNITY AND THE ENVIRONMENT. WE INTEND TO REMAIN A GOOD NEIGHBOR. AND THE MINE RECLAMATION CORPORATION WILL OPERATE IN THE SAME WAY. KAISER HAS DEMONSTRATED THAT IT HAS THE ENVIRONMENTAL COMMITMENT, THE FINANCIAL WHEREWITHAL TO ASSURE THAT AN

Response to Comment 16-7

Comment acknowledged.

ENVIRONMENTALLY-SUPERIOR PROJECT IS COMPLETED.

I URGE YOU TO APPROVE THIS LAND EXCHANGE.

THANK YOU VERY MUCH.

MR. ROUNTREE: THANK YOU, MR. FAWCETT.

(APPLAUSE)

MR. RON BITONTI.

BY MR. RON BITONTI: GOOD AFTERNOON. I WANT TO THANK YOU FOR GIVING ME AN OPPORTUNITY TO SPEAK BEFORE YOU TODAY. MY NAME IS RON BITONTI, B-I-T-O-N-T-I. I RESIDE AT 9127 PALO VERDE AVENUE, FONTANA, CALIFORNIA.

I'M CHAIRMAN OF THE NEW KAISER VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION, A NONPROFIT TRUST REPRESENTING SOME 7,000 RETIREES OF KAISER STEEL AND THEIR DEPENDENTS WHO LOST LIFETIME MEDICAL BENEFITS DURING THE BANKRUPTCY OF KAISER STEEL CORPORATION. WE ARE ALSO THE LARGEST SHAREHOLDER OF KAISER VENTURES, THE OWNER OF THE LAND PROPOSED FOR DEVELOPMENT AT THE EAGLE MOUNTAIN LANDFILL.

OUR INTERESTS IN THE PROPOSED EAGLE MOUNTAIN PROJECT ARE CLEAR. WE STAND BEHIND KAISER VENTURES AND MINE RECLAMATION CORPORATION AND THEIR COMMITMENT TO BUILD AN ENVIRONMENTALLY-SOUND PROJECT.

THE DRAFT ENVIRONMENTAL IMPACT STATEMENT/REPORT ANALYZED POTENTIAL ENVIRONMENTAL IMPACTS THAT MAY RESULT FROM THE PROPOSED LAND EXCHANGE AND ASSOCIATED RIGHTS-OF-WAYS. MY COMMENTS DEAL WITH THAT INFORMATION.

NO. 1, THE FEDERAL LANDS PROPOSED FOR EXCHANGE HAVE

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16-8

16-9

Response to Comment 16-8

Comment acknowledged.

Response to Comment 16-9

Comment acknowledged.

BEEN DISTURBED BY OVER 40 YEARS OF MINING OPERATIONS. THE KAISER LANDS PROPOSED FOR EXCHANGE ARE IN ENVIRONMENTALLY-SENSITIVE HABITAT AREAS FOR THREATENED SPECIES AND WILL PROVIDE VALUABLE ENHANCEMENT TO THE BLM CONSOLIDATION OF THESE HABITAT AREAS.

NO. 2, THE PROJECT SITE ITSELF IS NOT PRISTINE DESERT, BUT RATHER A SITE LEFT HEAVILY DEVASTATED BY THE MINING OPERATION. THE EAGLE MOUNTAIN PROJECT WOULD RECLAIM THE SITE AND RETURN IT TO ITS NEAR-ORIGINAL CONTOURS.

16-10

NO. 3, MCR AND KAISER HAVE GONE ABOVE AND BEYOND TO MEET EVERY REGULATION, RESPOND TO EVERY QUESTION, CHANGE THE PROJECT WHERE POSSIBLE, AND AGREED TO EXPAND MITIGATION MEASURES TO ADDRESS THESE CONCERNS.

16-11

NO. 4, SOUTHERN CALIFORNIA IS FACING A CRITICAL SHORTAGE OF ENVIRONMENTALLY-SOUND LANDFILL CAPACITY. THE DOCUMENT STATES THAT THERE WILL BE A NEED FOR AT LEAST TWO, AND PROBABLY THREE REGIONAL SITES SUCH AS EAGLE MOUNTAIN IN THE NEXT 20 YEARS.

16-12

NO. 5, THE EAGLE MOUNTAIN PROJECT HAS RECEIVED TWO "NO JEOPARDY" OPINIONS FROM THE U.S. FISH AND WILDLIFE SERVICE CONCLUDING THAT THE PROJECT WOULD NOT JEOPARDIZE THE CONTINUING EXISTENCE OF THE DESERT TORTOISE OR DESERT PUPFISH.

16-13

NO. 6, THE DOCUMENT CONCLUDES THAT WITH THE PROPOSED MITIGATIONS, THE EAGLE MOUNTAIN PROJECT WOULD NOT SIGNIFICANTLY HARM THE ENVIRONMENT IN THE VAST MAJORITY OF

16-14

Response to Comment 16-10

Comment acknowledged.

Response to Comment 16-11

Comment acknowledged.

Response to Comment 16-12

Comment acknowledged.

Response to Comment 16-13

Comment acknowledged.

Response to Comment 16-14

Comment acknowledged.

AREAS OF CONCERN. IN THE AREAS OF POTENTIAL SIGNIFICANT IMPACT, MCR AND KAISER HAVE AGREED TO CONTINUE TO MONITOR POTENTIAL IMPACTS AND DISCUSS POTENTIAL, ADDITIONAL MITIGATIONS, EITHER AS PART OF THIS PROCESS OR IN ADDITION TO IT.

NO. 7, REGARDING THE JOSHUA TREE NATIONAL PARK CONCERNS, KEEP IN MIND THAT KAISER AND JOSHUA TREE HAVE BEEN GOOD AND AMIABLE NEIGHBORS FOR 40 YEARS. WHEN THE CALIFORNIA DESERT PROTECTION ACT WAS PASSED REDESIGNATING JOSHUA TREE A NATIONAL PARK, THE LEGISLATION CONTEMPLATED THE EAGLE MOUNTAIN PROJECT. THE INTENT OF THE LEGISLATION WAS NOT TO IMPOSE ADDITIONAL REQUIREMENTS ON THE PROJECT OR TO CREATE BUFFER ZONES AROUND IT.

16-15 NONETHELESS, THE NEW ENVIRONMENTAL ANALYSIS TOOK INTO ACCOUNT THE NEW PARK DESIGNATION AND THE MULTITUDE OF JOSHUA TREE CONCERNS AND CONCLUDED THAT WITH MITIGATION, AND EXCLUDING THE POTENTIAL IMPACT TO THE WILDERNESS EXPERIENCE, THERE WOULD NOT BE A SIGNIFICANT IMPACT TO THE WILDERNESS EXPERIENCE AND THERE WOULD NOT BE A SIGNIFICANT IMPACT TO THE PARK.

AS FOR THE POTENTIAL IMPACT TO THE WILDERNESS EXPERIENCE, A FINDING OF POTENTIAL SIGNIFICANCE WAS MADE, WHICH SEEMS OUTRAGEOUS ME, BUT IF YOU CAN'T MEASURE IT, YOU CAN'T PROVE ANYTHING EITHER WAY.

Response to Comment 16-15

Comment acknowledged. See also General Response 3.

16-16

I WOULD LIKE TO SEE AN ANALYSIS OF THE POTENTIAL AIR IMPACTS OF THE LANDFILL PROJECT COMPARED WITH THE PREVIOUS MINING OPERATION. IF THE MINE DID NOT ADVERSELY IMPACT THE PARK AND THE LANDFILL IMPACTS ARE LESS, HOW CAN THE LANDFILL ADVERSELY IMPACT THE PARK?

THESE ARE OUR SPECIFIC COMMENTS RELATING TO THE PROPOSED FEDERAL ACTION.

IN SUMMARY, VEBA BELIEVES THAT THE NEW DRAFT E.I.S./E.I.R. ADEQUATELY ADDRESSES POTENTIAL IMPACTS TO THE ENVIRONMENT. FURTHER, WE BELIEVE THAT POTENTIAL ENVIRONMENTAL IMPACTS WILL BE MINIMAL AND THE PROPOSED LAND EXCHANGE IS IN THE BEST INTERESTS OF THE PUBLIC AND SHOULD GO FORWARD AS SOON AS POSSIBLE.

16-17

I BROUGHT SEVERAL RETIREES WITH ME TODAY -- I WOULD LIKE FOR THEM TO ALL STAND UP -- THAT CAME HERE IN SUPPORT OF THIS PROJECT. BY THE WAY, I HAVE MY COPY OF THE WRITTEN STATEMENT IF YOU WOULD LIKE TO HAVE IT.

MR. ROUNTREE: THANK YOU, MR. BITONTI.

(APPLAUSE.)

Response to Comment 16-16

The following table compares the onsite emissions associated with the Kaiser Eagle Mountain Mine and the proposed Project with mitigation. As shown in this table, NOx, carbon monoxide (CO), PM_{10}, and SO_2 emissions for the proposed Project are significantly lower than the levels for the original Kaiser Eagle Mountain Mine. Consequently, for these pollutants the corresponding air quality impacts for the proposed Project would be well below those for during active mining. For volatile organic compounds (VOCs), the emissions and corresponding air quality impacts would be expected to be very similar for the original mine and the proposed Project with mitigation. The information is included here for information purposes.

Comparison Between Onsite Emissions for Kaiser Eagle Mountain Mine and the Proposed Project With Mitigation (tons/yr)

Project	NOx	CO	PM_{10}	VOC	SO_2
Kaiser Eagle Mountain Mine[1]	1,081	2,602	1,776	167	14,969
Proposed Project With Mitigation	494	501	271	173	105

[1] Emissions based on average mine production levels from 1979 to 1981.

Response to Comment 16-17

Comment acknowledged.

MR. RICK SUPPLE:

BY MR. RICK SUPPLE: I'M RICK SUPPLE, I'M A RESIDENT OF PALM SPRINGS. I'M VERY PROUD OF THAT FACT. I DO APPRECIATE THE CHANCE TO MAKE A FEW COMMENTS IN REGARD TO THE EAGLE MOUNTAIN DEVELOPMENT.

16-18

AS A PALM SPRINGS RESIDENT, I AM OFFENDED BY THE SO-CALLED IMPACT THAT WILL TAKE PLACE TO OUR AIR EMISSIONS. WITH THE TONNAGE OF DEBRIS COMING THROUGH OUR VALLEY AND THE SO-CALLED TRUCKING AND THE SO-CALLED SORTING AND RECYCLING CENTERS, I FEEL THAT THE TRUE STORY HAS NOT BEEN TOLD. I, FOR ONE, DO NOT LIKE TO HAVE THE DUMP, AS WE CALLED IT HERE BEFORE, THE WORLD'S LARGEST DUMP PLACED IN OUR BACKYARD.

AS A PALM SPRINGS RESIDENT, WHAT THE IMPACT ECONOMICALLY WOULD BE FOR PALM SPRINGS, I DON'T KNOW. BUT I WOULD BE INTERESTED.

BUT IN SUMMARY, BECAUSE WE HAVE IN THE PAST BEEN VERY CONCERNED ABOUT THE ENVIRONMENTAL IMPACT UPON OURSELVES,

16-19

IN ADDITION TO THAT, THE ECONOMIC BENEFITS TO PALM SPRINGS ITSELF, I HAVE NEVER SEEN THEM DELINEATED OR PUT FORTH TO US, BUT I FOR ONE DO NOT FEEL AT THIS TIME THAT WE SHOULD BE THE RECIPIENT OF THE DUMP, AS A RESIDENT OF PALM SPRINGS.

THANK YOU VERY MUCH.

MR. ROUNTREE: THANK YOU.

(APPLAUSE.)

MR. MORENO.

BY MR. F.C. MORENO. MY NAME IS F.C. MORENO. I RESIDE AT 4055 PARKVIEW TERRACE, RIVERSIDE, CALIFORNIA. AND I WAS BORN IN BLYTHE, CALIFORNIA.

16-20

FOR THE LAST TWO-AND-A-HALF YEARS I HAVE MET THE PEOPLE FROM BLYTHE, CALIFORNIA THAT WORK IN THE FIELDS, THAT

Response to Comment 16-18

The comment is noted. The Draft EIS/EIR fully addresses air emissions. See General Response 7.

Response to Comment 16-19

Although no economic analyses were prepared for specific individual communities along the railway transportation route, the proposed Project is expected to have a significant beneficial effect on employment, within the Coachella Valley, as well as an estimated influx of revenues to Riverside County of approximately $264 million in taxes and fees over a 20-year period. In addition, a net $3.3 billion positive economic impact is projected for the Inland Empire during this 20-year period, with $3 billion in projected new economic activity and approximately $300 million in preservation of economic activity.

Response to Comment 16-20

Comment acknowledged.

ARE UNEMPLOYED, AND I GUARANTEE YOU, IN THIS GREAT COUNTRY, IF YOU HAD A VOTE IN BLYTHE FOR JOBS, THAT WOULD COME FIRST, EVEN THOUGH THE ENVIRONMENTAL IMPACT ISSUES SHOULD BE BALANCED. BUT AT ONE POINT THIS COUNTRY HAS TO REALIZE THAT JOBS ARE JUST AS IMPORTANT. AND THESE JOBS THAT WE ARE TALKING ABOUT START FROM $8 AND ON UP.

THE PEOPLE IN BLYTHE THAT I HAVE TALKED TO AND EXPLAINED BOTH SIDES OF THE ENVIRONMENTAL, THEY WANT YOU TO APPROVE THIS PROJECT SO THEY CAN HAVE SOME GOOD JOBS.

I WANT TO THANK YOU. BUT REMEMBER THAT THE FEDERAL GOVERNMENT, THE COUNTY, THE CITIES ARE ALL ELECTED OFFICIALS THAT REPRESENTS THE PROBLEM THAT WE ARE HAVING RIGHT NOW WITH JOBS. WE HAVE LOST MORE JOBS IN THE LAST 10 YEARS THAN IN MY LIFETIME, THAT I KNOW, I HAVE KNOWN. SO I'M SPEAKING FOR THE PEOPLE OF BLYTHE, CALIFORNIA WHERE I WAS BORN, THAT I HAVE PROMISED THEM GOOD JOBS IF THE EAGLE MOUNTAIN PROJECT GOES IN. AND I BELIEVE THE EAGLE MOUNTAIN PROJECT IS A GOOD PROJECT. THANK YOU VERY MUCH.

MR. ROUNTREE: THANK YOU, MR. MORENO.

WE HAVE A TECHNICAL PROBLEM THERE.

MR. RICHARD LEIVAS.

BY MR. RICHARD LEIVAS: MY NAME IS RICHARD LEIVAS. I LIVE AT 4785 LUTHER STREET IN RIVERSIDE. I HAVE A CORPORATION I OWN CALLED NORTON (PH.) LEIVAS AND WE'RE BOOKKEEPING AND ACCOUNTING, AND TAXES. AND I DON'T WEAR A WHITE HAT AND I'M NOT RETIRED FROM KAISER, AND I DON'T LIVE

16-21

Response to Comment 16-21

Comment acknowledged.

IN PALM SPRINGS. THE ONLY THING IS THAT I SEE PEOPLE THAT I DO TAXES FROM PALM SPRINGS, FROM INDIO, DRIVE ALL THE WAY DOWN FOR ME TO DO THEIR TAXES, AND WE DISCUSS THE WORK ISSUE.

I ALSO WAS BORN AND RAISED IN BLYTHE, CALIFORNIA. AND THE GENTLEMAN JUST SPEAKING HAPPENS TO BE MY COUSIN AND HE IS RETIRED FROM KAISER. I AM NOT. MY REASON FOR BEING HERE AND TALKING TO YOU IS THAT MY INTEREST ALSO IS IN WORK. BY DOING TAXES, I'VE LOST A LOT OF CLIENTS DUE TO THE FACT THEY'VE MOVED BECAUSE THERE'S NO WORK. AND SOME THAT ARE LEFT ARE WORKING FOR LESS WAGES.

AND AGAIN, BEING IN THE WORK THAT I AM, I SEE EVERYBODY'S INCOME AND HOW THEY'RE SPENDING THEIR MONEY, HOW THEIR KIDS ARE BEING ABLE NOT TO AFFORD HOMES UNLESS THE WIFE AND THE HUSBAND WORKS. I'M SEEING THAT SOMETIMES THEY HAVE TO HAVE TWO JOBS TO JUST BE ABLE TO FURNISH FOOD FOR THE KIDS OR WHATEVER HAVE YOU.

SO WE'VE GOT TO UNDERSTAND ONE THING. ARE WE SO MUCH INTERESTED ABOUT A RAT OR A TORTOISE OR ARE WE INTERESTED IN SOMEBODY PUTTING FOOD ON THE TABLE? THIS SORT OF A PROJECT, IT'S A WIN-WIN SITUATION.

16-22 RIVERSIDE'S GOT PROBLEMS WITH LANDFILLS. WE JUST HAD SOMETHING THROWN AND THEY'RE FIGHTING AND WE'RE GOING TO LET THEM PUT SOME WASTE IN THERE. AND L.A.'S GOT A PROBLEM, EVERYBODY'S GOT A PROBLEM. THE LADY SAYS OKAY, FIND

Response to Comment 16-22

Comment acknowledged.

SOMETHING ELSE TO DO WITH THE WASTE. I SAY FIND SOMETHING ELSE, TOO, BUT AT THIS PARTICULAR MOMENT, THERE ISN'T SOMETHING ELSE. THERE'S JUST THIS PLACE, A BIG HOLE THAT CAN HELP US ALL, BY WORK, BY GETTING RID OF THIS TRASH.

RIVERSIDE CAN GO TO THE DUMP, AND THEY'RE ALREADY FILLED UP ALREADY. AND THEY CHARGE ME 30 BUCKS TO DUMP A LOAD OF DIRT OVER THERE. SO IT REALLY -- THIS IS A WIN-WIN SITUATION FOR NOT ONLY THE KAISER RETIREES THAT ARE GOING TO GET SOMETHING OUT OF IT, BUT THE PEOPLE THAT ARE GOING TO GET JOBS, THE PEOPLE THAT HAVE THE TRASH TO THROW, THEY HAVE NO PLACE TO THROW IT NOW. SO IT'S JUST A REAL WIN-WIN PROPOSITION.

YOU'VE GOT TO MAKE ONE DECISION WHEN YOU DO THIS, WHETHER YOU'RE CONCERNED ABOUT SOME TORTOISE OR THE ENVIRONMENT OR WHATEVER THE CASE, OR PEOPLE THAT ARE GOING TO LIVE. BECAUSE RIGHT NOW CALIFORNIA DOESN'T HAVE MANY GOOD-PAYING JOBS. WE ARE LOSING THEM. ALL YOU'VE GOT TO DO IS LOOK AROUND AND SEE THEY ONLY MAKE FOUR OR FIVE BUCKS AN HOUR.

ALL I WANT TO SAY, THAT I REALLY THINK THIS IS A PROJECT GOOD FOR THE PEOPLE, FOR THE PEOPLE OF SOUTHERN CALIFORNIA ESPECIALLY. AND I THANK YOU VERY MUCH.

MR. ROUNTREE: THANK YOU VERY MUCH.

MR. JOHN AMARILLAS.

BY MR. JOHN AMARILLAS: GOOD AFTERNOON. MY NAME IS JOHN AMARILLAS. I LIVE AT 2193 DEL LAGO ROAD IN PALM SPRINGS. AND I HAVE NO AFFILIATION, I JUST HAVE -- I WANT TO BRING OUT MY CONCERNS ABOUT THIS PROJECT. 16-23

FIRST OF ALL, WE ARE NOT THE ONLY COMMUNITY INVOLVED. EVERY PLACE THAT TRAIN PASSES YOU MIGHT HAVE A STENCH. ALSO, WHAT HAPPENS WHEN THESE TRACKS GET WORN OUT? a

WE HOPE TO HAVE A COMMUTER TRAIN HERE SOMEDAY. THAT MIGHT NOT BE POSSIBLE IF WE WEAR OUT THE TRACKS OR WE HAVE TO FOLLOW A GARBAGE TRUCK. ALSO, WHAT HAPPENS WHEN A TRAIN GETS STALLED? b

I HAD SOME FRIENDS THAT WERE ON AMTRAK, THEY WERE STALLED SIX HOURS BECAUSE THE TRAIN RAN OVER A PEDESTRIAN. BEFORE THE COPS AND THE CORONER GOT THERE, THEY WERE STALLED THERE FOR SIX WHOLE HOURS. c

ANOTHER THING THAT I DON'T THINK PEOPLE HAVE TALKED ABOUT IS WHEN YOU'RE TALKING ABOUT 20,000 TONS OF GARBAGE OR TRASH, IT EQUATES TO 40 MILLION POUNDS A DAY. JUST THINK ABOUT THAT. d

(APPLAUSE.)

MR. ROUNTREE: THANK YOU, MR. AMARILLAS.

S.E. SCOTT.

BY MR. S.E. SCOTT: MY NAME IS STERLING E. SCOTT. I LIVE AT 4000 NORTH HELEN AVENUE, LAS VEGAS, NEVADA. I ALSO PUT IN 26 YEARS WITH KAISER STEEL AT EAGLE MOUNTAIN. I'M VERY PROUD OF IT. IT WAS ONE DEVIL OF A GOOD JOB AT EAGLE MOUNTAIN. AND THE PEOPLE AT FONTANA, AT THE MILL, WE WORKED TOGETHER, WE FORMED ONE DEVIL OF A GOOD COMPANY. 16-24

Response to Comment 16-23

(a) As noted on page 4.4-11 of the Draft EIS/EIR, the containers used to transport waste by rail to the proposed Project site will be sealed and water-tight. Although each container will allow venting to relieve internal pressure buildup from gas generated by waste decomposition, the type of anaerobic decomposition that would produce objectionable odors, is unlikely to occur during transport to the landfill. Analysis in the Draft EIS/EIR examined the potential for odors associated with the unlikely event of a 24-hour train delay in the hot desert. This analysis showed that even in the event of such a delay, odors from the train will be less than one-tenth of the odor perceptibility thresholds. Because of dispersion effects, the actual likelihood that odors will be detected near trains will be even less.

(b) The rail corridor planned for use by the proposed Project is, and will continue to be, a Union Pacific main line. As such, its continued maintenance will ensure that the tracks will not "wear out" or otherwise deteriorate to a condition that would jeopardize any future uses. The Eagle Mountain RR will be maintained by Kaiser and MRC.

(c) With regard to potential rail delays, the commenter is referred to page 4.3-7 of the Draft EIS/EIR, which notes an expected average vehicle delay of 1 to 2 minutes for each train in the County of Riverside.

(d) Regarding the maximum daily volume of waste anticipated for the proposed Project, the comment is correct in the estimate of the waste that would be landfilled.

Response to Comment 16-24

Comment acknowledged.

AS FAR AS THE ENVIRONMENT OUT THERE, I THINK PEOPLE COMES FIRST. THE TURTLES, THE BATS, THE CHUCKAWALLAS AND THE LIZARDS WERE THERE BEFORE WE GOT THERE. A FEW PERISHED. A FEW PEOPLE PERISHED IN THE WORK. BUT EVERYBODY MADE A GOOD, GOOD LIVING. A LOT OF US LOST A LOT WHEN KAISER WAS TAKEN OVER, BANKRUPT OR WHATEVER, CORPORATE RAIDERS OR WHATEVER HAPPENED. A LOT OF PEOPLE WORKED OUT THERE IN FONTANA VERY HARD, VERY LONG. THERE'S NOT MANY OF US LEFT, AND THERE'S GOING TO BE A LOT OF GOOD JOBS FOR YOUNGER PEOPLE AFTER WE ARE GONE. BUT WE, THE OLD TIMERS, WOULD VERY MUCH LIKE TO GET SOME OF OUR BENEFITS BACK, IF POSSIBLE. AND I THINK THIS WOULD HELP. THANK YOU VERY MUCH.

(APPLAUSE.)

MR. ROUNTREE: THANK YOU, MR. SCOTT.

M. SCHLOSBERG.

BY MR. M. SCHLOSBERG: I PREFER TO SEND IN MY THOUGHTS BY WRITTEN COMMENTS. I SEE SO MANY -- I WISH THE HEARING HAD NOT BEEN HELD ON A WEEKDAY IN THE MIDDLE OF THE SUMMER, WHEN SO MANY CONCERNED PEOPLE ARE UNABLE TO ATTEND. SO I WOULD PREFER TO MEMORIALIZE MY COMMENTS, AT WHICH TIME I WILL SEND IN MY COMMENTS.

16-25

(APPLAUSE.)

MR. ROUNTREE: THANK YOU, SIR.

Response to Comment 16-25

Comment acknowledged.

DONNA CHARPIED.

BY MRS. DONNA CHARPIED: HELLO. MY NAME IS DONNA CHARPIED. MY MAILING ADDRESS IS P.O. BOX 321, DESERT CENTER. MY ADDRESS IS 45 HYPHEN 200 KAISER ROAD, EAGLE MOUNTAIN. I AM THE EAGLE MOUNTAIN COORDINATOR FOR THE CEQA COUNTY CHAPTER OF THE SIERRA CLUB. I WANT TO READ A STATEMENT INTO THE RECORD HERE, BUT I WANT TO MAKE A FEW COMMENTS FIRST. HOW IS THAT?

MR. ROUNTREE: FINE.

MS. CHARPIED: THERE HAS BEEN A LOT OF CORRELATIONS OR ANALOGIES MADE BETWEEN MINING AND THE TRANSFER OF OVER 20,000 TONS OF GARBAGE A DAY TO THIS SITE. DURING THE MINING DAYS THERE MIGHT HAVE BEEN TWO TRAINLOADS PER WEEK THAT WOULD GO TO THE SITE EMPTY AND GO ON A DOWNHILL RUN FOR THE ORE WHICH WOULD REDUCE THE AMOUNT OF POLLUTANTS FROM THE USE OF THE TRAINS.

FURTHERMORE, EXTRACTING ORE FROM THE GROUND IS VERY DIFFERENT THAN BRINGING 20,000 TONS OF WHAT MAY BE GARBAGE TO US, BUT IT'S ACTUALLY A SOURCE OF FOOD FOR ANIMALS IN A REGION THAT IS OTHERWISE REALLY SCARCE. JUST A LITTLE INTRODUCTION, A SMALL INTRODUCTION OF A SMALL AMOUNT OF NUTRIENTS IN THE DESERT CAN THROW THE ECOSYSTEM OUT OF WHACK.

AND I BELIEVE THAT NATIONAL PARK SERVICE, JOSHUA TREE NATIONAL PARK HAS NOT BEEN GIVEN THEIR DUE RESPECT THROUGHOUT THIS PROCEEDING HERE. I HAVE HEARD SEVERAL COMMENTS MADE TODAY ON, BASICALLY, THEY SHOULD MIND THEIR OWN BUSINESS AND EVERYTHING IS GOING TO BE FINE. WHEREAS THEY HAVE THEIR AIR EXPERTS, THEIR ECOLOGISTS, THEIR REGIONAL EXPERTS (INAUDIBLE) WHO GIVE PRETTY EXTENSIVE COMMENTS TO THE ADMINISTRATIVE DRAFT.

16-26

16-27

Response to Comment 16-26

Please see General Responses 3 and 6. A number of mitigation measures has been included to prevent access by species that could scavenge food from the landfill. These include fencing the active portion of the landfill to contain windblown material and exclude scavengers such as coyote and kit fox, covering waste daily with at least 6 inches of dirt, continuous covering of waste, limiting the working face to 2 acres, and providing additional cover for areas that are inactive for 180 days. These actions are considered sufficient to prevent increased nutrients from entering the desert ecosystem.

Response to Comment 16-27

Through review of both the Administrative Draft EIS/EIR and the Draft EIS/EIR, NPS and JTNP staff have been provided with ample opportunity to critique the various impact analyses conducted for the proposed Project and, in many cases, NPS/JTNP staff views and comments have been incorporated into revisions of the Draft EIS/EIR. The commenter is referred to General Response 3 and the responses to the NPS letter (Comment 1) EIS/EIR.

AND WITH THE E.I.S., I'M MUCH DISAPPOINTED WITH
REGARD TO THE PARK SERVICE'S AIR QUALITY ANALYSIS, WHERE IT'S
16-28 BASICALLY ONE PARAGRAPH BY THE CH2M HILL SAYING, WELL, THEY
CAME UP WITH THEIR OWN ANALYSIS, THE NATIONAL PARK SERVICE
STILL REMAINS OPPOSED. BUT AT THE PUBLIC READING THE E.I.R.,
I DO NOT KNOW IF PERHAPS THE PARK SERVICE GAVE BETTER
MONITORING IDEAS AND THINGS OF THIS NATURE. THE PUBLIC HAS
NO WAY OF KNOWING THAT.
WE DID ISSUE A FREEDOM OF INFORMATION ACT REQUEST,
AND I WILL BE SUBMITTING THE COMMENTS THAT THE PARK SERVICE
MADE AND I WILL REQUEST THAT THESE BE ANSWERED.
THERE WERE SOME REMARKS MADE ABOUT WARD VALLEY,
16-29 WHICH I AGREE WITH THE GENTLEMEN, THAT IS A HORRIBLE IDEA IN
POLLUTING THE COLORADO RIVER. PEOPLE HAVE TO REALIZE THAT
WITHIN A QUARTER MILE OF THIS PROPOSED DUMP IS THE COLORADO
RIVER AQUEDUCT, THE OPEN PORTION OF IT. IT NOT ONLY FEEDS 16
MILLION PEOPLE THEIR WATER THROUGHOUT SOUTHERN CALIFORNIA,
BUT ALSO PROVIDES THE WATER CONSUMPTION FOR THE PEOPLE HERE
IN THE VALLEY, THE COACHELLA VALLEY.
JOBS IS ANOTHER THING THAT I'M HEARING A LOT OF,
AND JOBS ARE EXTREMELY IMPORTANT. HOWEVER, THE LAST TIME
AROUND, AND I BELIEVE IT'S SO THIS TIME AROUND, THE POLLUTERS
HAD CONTRACTS WITH THE -- THROUGH INMATE LABOR FROM THE
16-30 COMMUNITY CORRECTIONAL FACILITY. SO IT WON'T BE THESE GOOD
JOBS FOR PEOPLE WHO ARE WORKING AND FARMING. I SHUDDER TO
THINK, BEING A FARMER, WHAT THE HELL AM I GOING TO DO IF THEY
TAKE ALL MY FARMERS AND BECOME GARBAGEMEN. IT'S GOING TO
HAVE A LONG-RANGE EFFECT ON EVERYBODY.

Response to Comment 16-28

It is unclear what the comment means by the NPS's air quality analysis in the Draft EIS/EIR. The NPS did not perform an air quality analysis for inclusion into the Draft EIS/EIR.

Response to Comment 16-29

As noted on page 4.6-2 of the Draft EIS/EIR, the Colorado River Aqueduct actually lies approximately 1 mile east of the landfill footprint. Also see Response to Comment 10-4(c)

Response to Comment 16-30

The anticipated jobs created as a result of implementing the proposed Project do not include the use of inmate labor from the correctional facility, nor is there any existing contractual agreement to do so.

WITH THAT IN MIND, WHAT I WOULD LIKE TO DO IS READ INTO THE RECORD AND LEAVE A COPY HERE FOR EVERYBODY THE SAN GORGORNIO CHAPTER OF THE SIERRA CLUB'S OPPOSITION RESOLUTION. IT STATES, "THE SAN GORGORNIO CHAPTER OF THE SIERRA CLUB OPPOSES THE PROPOSED EAGLE MOUNTAIN LANDFILL AND RECYCLING CENTER BECAUSE THE PROPOSED PROJECT POSES SIGNIFICANT THREATS TO THE REGIONAL RESOURCES AND IS AN INAPPROPRIATE LAND USE ADJACENT TO ONE OF THE WORLD'S MOST PRISTINE DESERT ECOSYSTEMS."

I WILL LEAVE THIS, AS WELL AS THE OPPOSITION POSITION PAPER THAT HAS A LOT OF VERY INTERESTING THINGS THAT I HOPE WILL BE ANALYZED IN THE FINAL E.I.R.

I THANK YOU FOR YOUR TIME.

(APPLAUSE.)

MR. ROUNTREE: THANK YOU, MRS. CHARPIED.

MR. CHARPIED.

BY MR. LARRY CHARPIED: I'LL RUN THIS DOWN AS FAST AS I CAN. IT'S A VERY SHORT. MY ADDRESS P.O. BOX 397, DESERT CENTER, 92239. AND, YOU KNOW, IT'S REALLY INTERESTING THAT THE JOB IDEA FROM BLYTHE, YOU'VE GOT TO KEEP IN MIND THAT WE'VE GOT THE 8,000-PEOPLE PRISON THAT'S BUILT. EVERY DAY YOU HEAR ON THE RADIO THEY ARE ADVERTISING FOR PEOPLE TO COME WORK IN IT, AND THEY PAY A HECK OF A LOT MORE THAN THEY PAY IN GARBAGE DUMPS. SO THERE'S PLENTY OF JOB OPPORTUNITIES FOR BLYTHE. THERE'S THOSE SAME JOB OPPORTUNITIES FOR COACHELLA, LA QUINTA, EVERYBODY. SO THOSE SAME JOBS, THEY -- IT'S JUST KIND OF -- IT'S THE SAME OLD WHITEWASH AGAIN, YOU KNOW. KEEP THAT IN MIND.

16-31

16-32

Response to Comment 16-31

Sierra Club opposition acknowledged. The commenter is referred to preceding and subsequent responses to comments that address potential Project-related biological resource and land use impacts and mitigation measures. Also see General Responses 1, 2, 3, 4, 5, 6, and 7.

Response to Comment 16-32

This comment is a speculation related to potential existing job opportunities within the region of the proposed Project and, as such, is not relevant to the Draft EIS/EIR. The Draft EIS/EIR (Section 4.8, Socioeconomics) discusses the potential for job creation as a consequence of the proposed Project.

16-33 I'M CURIOUS ABOUT VEBA AND THE RETIREES. IS THERE ANY LEGAL AGREEMENT THAT THEY WILL HAVE TO PAY YOU? IS THERE ANY TIME FRAME WHEN THEY WILL PAY YOU? AND DO YOU UNDERSTAND THAT WHEN YOUR SPOUSE DIES, $4,000 IS THE MAX PAYMENT YOU'RE GOING TO GET OUT OF THIS DEAL? SO KEEP THAT IN MIND, FOLKS. (LAUGHTER.) THERE'S THE GUY TO ASK RIGHT THERE. COME ON.

OH, I ALSO NEED TO KNOW, IS THERE A CONTRACT BETWEEN OR ANY KIND OF AGREEMENT M.O.U. WITH LAKE TAMARISK AND GETTING THEIR SUPPORT BECAUSE THEY BELIEVE THEY'RE GOING

16-34 TO GET MONEY FROM THIS? IT SEEMS TO ME THAT (INAUDIBLE) ACCURACY AND PUBLIC INPUT IS A VERY IMPORTANT PROCESS IN THE NEPA AND CEQA. WE NEED TO KNOW THAT THE MOTIVATION OF PUBLIC INPUT IS IMPORTANT, SO PLEASE FIND OUT AND LET ME KNOW WHAT THESE CONTRACTS OR AGREEMENTS ARE.

ALSO, YOU LEFT OUT THAT WE ASKED YOU ABOUT THE REVERSIONARY CLAUSE OF THE LAND, YOU CLAIM THAT THEY OWN THE LAND UP THERE. AS FAR AS THE LANDFILL GOES, 289 ACRES IN THE

16-35 EAST PIT IS ALL THAT THEY OWN. IF YOU LOOK AT THEIR E.I.S., IT SHOWS IN THERE IN THE ALTERNATIVE WHERE THEY ARE JUST GOING TO USE KAISER LAND, IT'S THE 289 ACRES. ALL THE REST OF THAT HAS GONE BACK. THEY DON'T OWN ANY OF THAT. THEY'RE GOING TO GO INTO THE PRISTINE CANYON TO BURY THIS GARBAGE, NOT JUST ON DISTURBED LAND. WE NEED TO KEEP THAT IN MIND.

Response to Comment 16-33

Because this comment does not address any Project-specific technical, regulatory, or procedural issues or concerns, no response is required.

Response to Comment 16-34

No MOU or other financial agreements exist between the Project applicant and the Lake Tamarisk Community or any Southern California community.

Response to Comment 16-35

The reversionary interest of the United States in the lands patented to Kaiser in 1955 under PL 790 is discussed in Section 2.1.1.3 of the Draft EIS/EIR ("Reversionary Interest in Townsite Area and Rights-of-Way"). The BLM has determined, based in part on the legal opinion of the Regional Solicitor of the United States Department of the Interior, that the reversionary interest under PL 790 has not been triggered by the proposed Project.

THEY WANT 3,500 ACRES OF OUR PUBLIC LAND. AND THIS LAND THAT THEY'RE GOING TO TRADE THAT YOU GUYS SAY IS SO GOOD FOR THE ENVIRONMENT, THE TRAIN BISECTS EVERY ONE OF THOSE PARCELS THEY ARE GOING GIVE TO US. HOW IS THAT GOING TO BENEFIT ANY WILD ANIMALS? YOU'VE GOT TO PUT IN THE LINER LEAKAGE, 21 GALLONS PER ACRE PER DAY THAT DR. BONEPART AGREED TO AT THE PUBLIC HEARING, IF THERE'S ONE-FOOT OF HEAD PRESSURE.

YOU'VE GOT TO PUT IN THAT LEACHATE COLLECTION FAILS OVER TIME BECAUSE OF THE MINERALIZATION OR ORGANICISM CLOGGING, SO THAT ONCE YOU PUT ALL THAT GARBAGE ON TOP, YOU CAN'T GET DOWN AND REMEDIATE IT, SO THAT IT'S JUST GOING TO CONTINUE TO LEAK AND ACCELERATING IN LEAKING. WE'RE GOING TO HAVE DIRECT INFILTRATION FROM PRECIPITATION, AND DR. BOB LANDERS OF THE U.S. E.P.A. AGREED ON A THREE-INCH RAIN, 10 ACRE, OVER A MILLION GALLONS. THE SIZE OF THE LEACHATE COLLECTION SYSTEM IS UNDERSIZED FOR BEING ABLE TO EVEN HANDLE THAT ALONE. WE NEED MITIGATIONS THAT ARE GOING TO WORK.

16-36

16-37

Response to Comment 16-36

The railroad track has existed in its current location since the original Eagle Mountain Mine opened. These lands are considered by BLM biologists to be high-quality habitat for species in the Project area because they have supported and continue to support populations of native wildlife species. Individuals of wildlife species in the Project area are capable of crossing railroad tracks. Mitigation measures to avoid or reduce train animal collisions include track inspection prior to train trips and removal of tortoises that are crossing tracks, and no planned stopping of trains in areas where bighorn sheep are known to cross the tracks during migration.

Response to Comment 16-37

The issues raised in the comment were considered in the design of the leachate collection and removal system (LCRS). The LCRS design is summarized in Section 2.1.5.2 and Appendix C-3 of the Draft EIS/EIR, and more detailed discussion of the design is provided in Section 6.5 of the ROWD. The following paragraphs provide information from these documents to address the comment's concerns.

With respect to clogging of the LCRS system, the discussion in Appendix C-3 of the Draft EIS/EIR indicates that LCRSs of the type proposed have been shown to be very reliable when properly designed. Research indicates that the potential for clogging of LCRSs in landfills depends on the amount and composition of leachate and on the details of the design of the leachate collection system. For biological clogging to occur, the following two conditions are required: (1) inadequate design of the sand or geotextile filter; and/or (2) large rate of leachate production from the landfill.

The first condition is mitigated by properly designing the sand or geotextile filter. The design of sand or geotextile filters is a straightforward exercise, and there is extensive information in the technical literature on geotextile filter design. The second condition for biological clogging of filter layers in landfills relates to the rate of leachate generation. The lower the leachate generation rate, the lower the potential for clogging (other factors being equal). As discussed in Section 4.1.2.1 of the Draft EIS/EIR, the potential for significant sustained leachate generation at the Eagle Mountain Landfill is very low.

THEY SAY IN THE E.I.R LANDFILL MINING WON'T (SIC) WORK AND WON'T AFFECT CAPACITY. THAT'S RIDICULOUS. THEY BRING UP THESE IDEAS. OH, WHAT ABOUT GASSES OR LEAKAGE? THE SAME PROBLEM WE'RE GOING TO HAVE WITH THE LARGER LANDFILL, THAT THEY CAN MITIGATE THOSE. WELL, OF COURSE THEY CAN MITIGATE THEM IN LANDFILL MINING. AND LANDFILL MINING CREATES JOBS, LANDFILL CLEANS UP THE LEAKING LANDFILL, IT GENERATES 70 PERCENT OF THAT SPACE THAT WAS THERE. YOU GET IT AGAIN? I JUST DON'T UNDERSTAND WHERE WE ARE GOING WITH THIS WHOLE THING.

16-38

Notwithstanding the lack of leachate generation, the LCRS has been conservatively designed to rapidly convey large leachate flows to sumps. The LCRS has been designed to have a minimum base slope of 4 percent to promote efficient drainage. This slope is twice the minimum value typically used at landfills. The LCRS on the base of the landfill has also been designed with a minimum hydraulic conductivity of 1 cm/s, which is 10 to 100 times larger than the LCRS hydraulic conductivity typically required at landfills. The main LCRS drainage corridors will be constructed of permeable coarse gravel rather than pipes. In this application, gravel is being used to eliminate any questions over the structural stability of pipes under the large compressive loads imposed by the waste that will overlie the LCRS. The gravel drainage corridors will have an inherently low potential for clogging, given the large cross-sectional area of the corridor and the porous, permeable nature of the gravel. Another design detail intended to minimize the potential for clogging involves the placement of a protective cover soil layer and geotextile filter layer between the waste and LCRS. Lastly, the LCRS sumps have been designed so that they can be flushed to remove sediment and other matter, if ever necessary.

With respect to direct infiltration of precipitation from major storms into the LCRS, Appendix H of the ROWD presents calculations indicating that the LCRS system has adequate capacity during a 100-year, 24-hour storm event producing total precipitation of 3.7 inches. This amount of precipitation exceeds the value of 3 inches mentioned by the commenter.

Response to Comment 16-38

Landfill mining was considered as a potential alternative (see Section 2.8.4 of the Draft EIS/EIR) but was determined not to be a reasonable alternative for meeting the Project's purpose and need because it would not provide sufficient capacity to serve Southern California's waste disposal needs and would not reclaim the Eagle Mountain Mine. Please see also the Response to Comment 195-2.

WE NEED TO AGAIN INCLUDE THE COMMENTS REGARDING
16-39 JOSHUA TREE NATIONAL FOREST UP THERE AND THEY HAD THIS WHOLE TAPE. THEY DESCRIBED WHY THE SITE IS BAD, BECAUSE IT'S ALLUVIUM. THEY DECIDED WHY IT'S GOING TO IMPACT THE ANIMALS, BECAUSE OF THE FOOD SOURCE. AND THEY DESCRIBED THAT THE DRAFT E.I.R. WAS INADEQUATE. THESE COMMENTS NEED TO BE PUT IN, THE COMMENTS ON THE E.I.R. GET THE TAPES, VIEW THEM. WE HAVE COPIES AND, OF COURSE, WHAT YOU LEAVE OUT WE'LL MAKE SURE IT GETS BROUGHT IN AGAIN, AS USUAL.

AND IT'S REALLY INTERESTING: I WANT TO KNOW WHY ON EARTHQUAKE AND ALL THE OTHER THINGS THEY'RE RELYING ON LIKE THE WATER BOARD PERMIT, WHICH WAS REVOKED, AND IN THE
16-40 REVOCATION FROM THE STATE SAID SUPPLEMENTAL INFORMATION WILL BE NECESSARY BEFORE THIS CAN BE REISSUED AGAIN. THE SUPPLEMENTAL INFORMATION WAS THE SEISMIC INFORMATION, YET THERE HAS BEEN NO SUPPLEMENTAL SEISMIC INFORMATION, THEY JUST GOT A DIFFERENT PERSON TO DOCTOR IT UP. IT'S THE SAME STUFF, THERE'S NO NEW STUFF IN THIS. I WANT TO SEE THIS NEW STUFF THEY SAID, PLEASE.

Response to Comment 16-39

BLM has worked with the NPS throughout the preparation of this EIS/EIR to ensure that any impacts of the Project on JTNP are fully evaluated and, where appropriate, mitigated. As a cooperating agency in the NEPA process, the NPS has provided input at every stage, including extensive comments on an administrative draft of the Draft EIS/EIR, and on the Draft EIS/EIR itself. As the lead agency, BLM has fully considered the NPS's input and has made appropriate changes in the EIS/EIR.

The videotape referenced by the commenter was first raised as a public comment at the BLM public hearing in Palm Springs on August 7, 1996. Prior to hearing the public testimony on this issue, neither the BLM nor the County had been aware that the videotaped meeting had occurred. After the public hearing ended, the Superintendent of JTNP informed the BLM that the meeting was held in May 1996, to discuss ecological issues and the Administrative Draft EIS/EIR. The meeting was attended by staff from JTNP and NPS and by university professors. Subsequent to the referenced meeting, the NPS submitted its comments on the Administrative Draft EIS/EIR. On the basis of communication with Superintendent Quintana, JTNP, the issues raised at the meeting are not considered to be comments on the Draft EIS/EIR. The NPS comments on the Draft EIS/EIR are presented in Response to Comments 1-1 through 1-182 of this volume of the Final EIS/EIR.

Response to Comment 16-40

A large body of new data and analyses regarding seismicity and seismic design has been developed for the Project since the certification of the previous EIS/EIR in November 1992. The new data and analyses have been used in the preparation of the ROWD and in the preparation of Sections 3.9 and 4.9 of the Draft EIS/EIR. The new data and analyses will therefore be available to the RWQCB when the permit issued in May 1994 (i.e., Waste Discharge Requirements [WDRs]) is reconsidered. The new data and analyses are found in the reports listed below. See Response to Comment 36-2 for the location of the ROWD for public inspection.

Reports prepared subsequent to the November, 1992 certification presenting new information on faulting and seismicity at the Project site:

- Probabilistic Seismic Hazard Analyses ...," G. R. Martin, October 1992, presented in ROWD Appendix D-3. This report summarizes the results of a study conducted to evaluate design earthquake acceleration levels for the project based on California and federal regulatory requirements.

- Seismotectonic Evaluation ...," B. A. Schell, October 1992, presented in ROWD Appendix D-3. This report presents the results of a field and literature study conducted to identify seismic sources for the project (i.e., faults and seismic zones) and to evaluate the frequency of earthquake events for each source.

- Probabilistic Seismic-Hazard Assessment ...," Earth Mechanics, Inc., October 1992, presented in ROWD Appendix D-3. This report presents the results of a study that used the results from the Seismotectonic Evaluation study listed above to evaluate design earthquake acceleration levels for the project based on California and federal regulations.

- Faults and Microseismicity Investigations and Conclusions ...," R. J. Proctor, November 1992 (updated May 1993), presented in Draft EIS/EIR Appendix H-3. This report presents the results of a field study conducted to assess whether any active faults are present at the Project site.

- Geomorphic and Soil Stratigraphic Age Assessments ...," R. J. Shlemon, November 1992 (updated May 1993), presented in Draft EIS/EIR Appendix H-5. This report presents the results of an additional field study conducted to assess whether any active faults are present at the Project site.

- Geochron Report on Dike Material Age Dating," Krueger Enterprises, Inc., May 1993, presented in ROWD Appendix P (supplemental volume SV-1). This technical appendix presents background information for the Geomorphic and Soil Stratigraphic Age Assessment listed above.

- Documentation of Soil and Geomorphic Dating," R. J. Shlemon, June 1993, presented in ROWD Appendix O (supplemental volume SV-1). This technical appendix presents background information for the Geomorphic and Soil Stratigraphic Age Assessment listed above.

- Summary of Information on the Absence of Holocene Fault Displacement ...," GeoSyntec Consultants, November 1993, presented in Draft EIS/EIR Appendix H-4. This report summarizes available information concerning the age of faulting and the absence of Holocene faults at the Project site.

Reports presenting new information on seismic design of the landfill:

- ROWD, Sections 5.4 and 8.3 to 8.7, GeoSyntec Consultants, December 1992. These sections of the ROWD present information regarding site seismicity, design earthquake acceleration levels for the landfill, and seismic stability calculations performed as part of the landfill design process.

- ROWD, Section 14.4 (Supplemental Volume 1), GeoSyntec Consultants, June 1993. This section of the ROWD presents additional information regarding site seismicity, design earthquake acceleration levels for the landfill, and seismic stability calculations performed as part of the landfill design process.

- "Seismic Information Summary Report ...," GeoSyntec Consultants, May 1996, presented in Draft EIS/EIR Appendix H-1. This report presents a summary of the geologic field characterization activities, seismologic studies, and seismic stability analyses performed during preparation of the ROWD.

OH, AND ALSO, LAST TIME AROUND IT SAID THAT THE IMPACT TO THE COUNTY, THE COST TO COUNTY FOR THE FIRST 20 YEARS, AND IT VARIES, BUT IT'S GOING TO BE ALMOST A MILLION -- A HALF MILLION DOLLARS A YEAR IN INFRASTRUCTURE 16-41 DETERIORATION BEFORE THIS WILL EVER GENERATE ANY INCOME BACK TO THE COUNTY. AND THIS WAS AT $56 TON. TYPICALLY, RICK DANIELS IS NOW SAYING $16 A TON IS GOING TO BE THE TIPPING FEE. WHO IS GOING TO GET ANY MONEY FROM THIS? THE ONLY REASON THIS IS GOING TO GO IS THE $200 MILLION CALIFORNIA POLLUTION CONTROL AUTHORITY LOAN.

I WANT TO KNOW, AND I JUST HEARD OR READ (SIC) KEN HAZEN IN THE NEWSPAPER, THEY ARE GOING TO SPEND ANOTHER $100 MILLION. CAN KAISER PUT THIS MONEY UP? ARE YOU GUYS WILLING 16-42 TO PUT THIS $100 MILLION UP TO MAKE IT GO? AND CAN THEY DO THIS PROJECT WITHOUT THE CALIFORNIA POLLUTION CONTROL AUTHORITY MONEY?

MR. ROUNTREE: THANK YOU, MR. CHARPIED.

(APPLAUSE.)

MICHELLE DA VALL.

16-43 BY MS. MICHELLE DA VALL: GOOD AFTERNOON. MY NAME IS MICHELLE DA VALL. I LIVE AT 82375 AVENUE 52 IN COACHELLA. I'M 17 YEARS OLD. LADIES AND GENTLEMEN, I'M HERE TODAY TO PLEAD WITH YOU, LISTEN TO YOUR HEARTS. THIS IS BY NO MEANS A GOOD IDEA. WHAT EXACTLY DO THEY MEAN WHEN THEY SAY THAT CERTAIN ADVERSE IMPACTS CAN BE FULLY MITIGATED? I'LL TELL YOU WHAT THEY MEAN: THEY MEAN THEY HAVE NO IDEA HOW BAD THIS IS GOING TO MESS THE ENVIRONMENT UP.

Reports presenting new information on the performance of landfills in recent earthquakes:

- "Assessment of Landfill Performance in Recent Earthquakes ...," GeoSyntec Consultants, May 1996, presented in Draft EIS/EIR Appendix H-2. This report presents a summary of observed performance of landfills in the October 1987 Whittier Narrows earthquake (M 6.1), the October 1989 Loma Prieta earthquake (M 7.1), and the January 1994 Northridge earthquake (M 6.7). This report also discusses the implications of the observed performance on the seismic design of the Project.

Response to Comment 16-41

MRC has proposed to the County that a portion of the landfill airspace will be deeded to the County at no cost. The County would declare this airspace volume as a surplus and sell it back to MRC. In exchange, the County would receive a portion of the revenue from waste disposed of from non-Riverside County jurisdictions. In addition, as described in Section 4.8 of the Draft EIS/EIR, at full development, the Project will generate substantial wage income (in the range of $26 million annually) directly and indirectly attributable to the Project. Please see also the Response to Comment 16-56.

Response to Comment 16-42

MRC and Kaiser have stated that financing for construction would come from either an equity offering or debt such as the issuance of California Pollution Control Financing Authority (CPCFA) bonds. If MRC's application for CPCFA bonds is approved, then MRC would be entitled to issue tax-free bonds through the CPCFA. These bonds must be secured by the Project sponsor and backed by private financial assurances, and there is no public money involved.

Response to Comment 16-43

The term "fully mitigated" indicates that implementation of proposed mitigation measures would reduce the potential for particular adverse impacts of concern to below an established level of significance.

I'LL TELL YOU ANOTHER ASPECT. THE DESERT TORTOISE PEOPLE HAVE BEEN SAYING THAT THE TORTOISE AND THE BATS ARE OF NO CONSEQUENCE; SCREW THE ENVIRONMENT, IN OTHER WORDS. WELL, LADIES AND GENTLEMEN, WE'VE BEEN SCREWING THE ENVIRONMENT FOR LONG ENOUGH, DON'T THINK? (APPLAUSE.) THE FACT IS THAT TRASH, NO MATTER WHERE YOU PUT IT, ATTRACTS PREDATOR BIRDS WHO ARE GOING TO COME AND EAT THE SOFT-SHELL BABY TORTOISES.

16-44

NOW, IN THE LONG RUN, DO YOU WANT TO SEE YOUR CHILDREN AND YOUR CHILDREN'S CHILDREN BEING AFFECTED BECAUSE THE WILDLIFE AROUND THEM IS BEING DESTROYED? I DON'T THINK SO.

16-45

NOW, THERE'S ANOTHER THING, TOURISM. MR. DANIELS HAS BEEN TELLING US ALL THIS TIME ABOUT HOW FAMILIES CAN COME AND VIEW THE DUMP SITE. WHO IN THEIR RIGHT MIND WOULD WANT TO TAKE THEIR FAMILY TO A GARBAGE HOLE? (LAUGHTER AND APPLAUSE.) DO YOU? WOULD YOU REALLY LIKE TO SHOW YOUR CHILDREN TRASH, WHEN YOU TAKE THEM TO SEE SUCH WONDERFUL THINGS AS THE GRAND CANYON IN ARIZONA, WHEN YOU CAN TAKE THEM TO THE NIAGARA FALLS, THINGS OF NATURE WHICH ARE BEAUTIFUL AND NOT DESTRUCTIVE? WOULD YOU REALLY WANT YOUR CHILDREN TO SEE THIS?

NOW, THEY TALK ABOUT HOW THIS IS GOING TO BE'THE WORLD'S LARGEST DUMP. DO WE REALLY WANT THIS TO BE OUR CLAIM TO FAME? I DON'T THINK SO.

Response to Comment 16-44

See Responses to Comments 1-6 and 16-26 and General Responses 3 and 6.

Response to Comment 16-45

The comment is a speculation regarding the relative merits of the proposed Project site as a tourist destination. Because the comment raises no environmental, regulatory, or procedural issues, no response is required.

WATER CONTAMINATION IS A GREAT BIG DEAL. I BROUGHT IN MY HISTORY BOOK THE LAST TIME THAT WE WERE DOING THIS AND I CITED THE (INAUDIBLE) WHERE THE WATER WAS CONTAMINATED AND PEOPLE DID NOT KNOW WHY THEY WERE DYING OF CHOLERA. NOW, CHOLERA HAS BECOME OBSOLETE; SINCE WE HAVE DEVELOPED THESE MEDICINES THAT WILL CURE IT, WE DON'T CARE ABOUT CHOLERA ANYMORE. WHAT ABOUT NEW THINGS? WHAT ABOUT NEW DISEASES, DISEASES AS DEADLY AS AIDS, DISEASES THAT WE MAY NOT HAVE A CURE FOR MANY YEARS? WHAT ARE YOU GOING TO DO WHEN YOUR GRANDCHILDREN START DYING AND YOU DON'T KNOW WHY?

I LOOK AROUND HERE AND I SEE THE FACES OF MANY INTELLIGENT, RATIONAL HUMAN BEINGS. YOU DON'T WANT TO MAKE A BAD DECISION. BUT THE FACTS ARE THAT THIS IS AND HAS NEVER BEEN A GOOD ONE. PLEASE, FOR YOUR OWN SAKES AS WELL AS FOR THE CHILDREN WHO WILL COME AFTER YOU, YOU CANNOT MAKE -- AFFORD TO MAKE A BAD DECISION WITH THIS. PLEASE TELL THEM NO.

(APPLAUSE.)

MR. ROUNTREE: THANK YOU, MS. DA VALL.

DENNIS CUNNINGHAM.

BY MR. DENNIS CUNNINGHAM: W.C. FIELDS ONCE SAID, "NEVER ACT WITH CHILDREN OR DOGS," SO IT'S A TOUGH TO FOLLOW UP AFTER THAT.

MY NAME IS DENNIS CUNNINGHAM. I'M CURRENTLY PRESIDENT OF THE BUILDING INDUSTRY ASSOCIATION. I RESIDE AT 45-450 DESERT FOX DRIVE IN LA QUINTA. I'M APPEARING TODAY REPRESENTING THE DESERT CHAPTER OF THE BUILDING INDUSTRY ASSOCIATION IN SUPPORT OF THE EAGLE MOUNTAIN PROJECT.

16-46

16-47

Response to Comment 16-46

There is no evidence that cholera or similar pathogens are likely to be present in, or migrate from, the nonhazardous wastes to be disposed of within the proposed landfill. The commenter is referred to EIS/EIR Section 4.2, which provides a comprehensive description of the anticipated potential public health impacts and mitigation measures.

Response to Comment 16-47

Comment acknowledged.

WE BELIEVE THAT THIS PROJECT IS A GOOD ONE. THE PROJECT DEVELOPER HAS DEMONSTRATED A WILLING COMMITMENT TO PROTECT THE ENVIRONMENT AND TO SUPPORT THE LOCAL ECONOMY. THE MITIGATION PROPOSED FOR THE EAGLE MOUNTAIN PROJECT IN THE FORM OF THE ENVIRONMENTAL MITIGATION TRUST WILL HELP FUND IMPORTANT LOCAL AND ENVIRONMENTAL PROGRAMS SUCH AS THE MULTI-SPECIES HABITAT AND CONSERVATION PLAN. THIS MAKES SOUND DEVELOPMENT IN THE COACHELLA VALLEY EASIER TO STRENGTHEN THE ECONOMIC BASE WITHIN THE AREA.

WE ARE WELL AWARE OF THE ENVIRONMENTAL PROBLEMS OF EXISTING LANDFILLS IN THE COACHELLA VALLEY. BOTH ARE LOCATED ON OR NEAR THE SAN ANDREAS FAULT. EAGLE MOUNTAIN HAS A LINER CONSISTING OF 12 LAYERS AND IS SEVEN FEET THICK AND IS NOWHERE NEAR AN ACTIVE FAULT.

AND THE QUESTION, WHAT IF EAGLE MOUNTAIN DOES NOT HAPPEN? WELL, THEN ALL THE WASTE WILL COME ROLLING THROUGH THE COACHELLA VALLEY ANYWAY ON ITS WAY TO IMPERIAL COUNTY OR ARIZONA, AND THE COACHELLA VALLEY WILL GET ALL THE NEGATIVE IMPACTS WITH NONE OF THE MITIGATIONS, NONE OF THE JOBS AND NONE OF THE ECONOMIC BENEFITS. I MAY BE WRONG, BUT IT DOES NOT TAKE A ROCKET SCIENTIST TO FIGURE THIS OUT. THESE REGIONAL FACILITIES ARE GOING TO BE BUILT, WASTE IS COMING THIS WAY. THE COACHELLA VALLEY MUST BE ABLE TO PARTICIPATE IN THE MITIGATIONS TO REDUCE THE IMPACTS AND TO CAPTURE THE JOBS AND REVENUE.

AS A SIDE NOTE, THIS IS NOT THE TURN OF THE 20TH CENTURY WHEN WE EITHER DIDN'T UNDERSTAND, OR IN SOME CASES DID NOT CARE ABOUT THE ENVIRONMENT. THIS IS THE TURN OF THE 21ST CENTURY, AND MUCH HAS BEEN LEARNED ABOUT MAINTAINING A SAFE AND WHOLESOME ENVIRONMENT. UNFORTUNATELY, HAD THE VIEWS OF SOME HELD TODAY PREVAILED AT THE TURN OF THE CENTURY, WE'D STILL BE IN COVERED WAGONS.

IN CLOSING, THE BUILDING INDUSTRY ASSOCIATION OF COACHELLA VALLEY URGES YOU TO APPROVE THE PROPOSED LAND EXCHANGE FOR THE PROJECT QUICKLY SO THE JOBS AND ENVIRONMENTAL BENEFITS OF EAGLE MOUNTAIN CAN START CONTRIBUTING TO OUR LOCAL ECONOMY AND OUR DEVELOPMENT COMMUNITY AS SOON AS POSSIBLE.

THANK YOU VERY MUCH.

(APPLAUSE.)

MR. ROUNTREE: THANK YOU VERY MUCH, MR. CUNNINGHAM. JACKIE UNDERWOOD.

BY MS. JACKIE UNDERWOOD: GOOD AFTERNOON. MY NAME IS JACKIE UNDERWOOD. AFTER LISTENING TO THE LAST GENTLEMEN SPEAK, I HAVE TO AGREE WITH ONE THING: IF IT WAS THE B.I.A., WITH THE B.I.A., IF THEY COULD MAKE A DOLLAR THEY'LL DEVELOP A CEMETERY. (LAUGHTER.)

16-48 I'M A RETIREE OF KAISER STEEL FROM EAGLE MOUNTAIN. THERE'S BEEN MANY SPEAKERS HERE TODAY, AND ONLY ONE, THAT I KNOW OF, SCOTTY, WHO WAS THERE AT EAGLE MOUNTAIN WHEN WE DRILLED AND BLASTED INTO THE ACQUIFER, WHICH HOLDS NINE

Response to Comment 16-48

The Draft EIS/EIR recognizes the fractured nature of the bedrock at the site. The bedrock at this site, and virtually all landfill sites underlain by bedrock, is fractured naturally as a result of tectonic stresses in the earth's crust. The contribution of previous blasting to the fracture frequency in the bedrock is not substantive. Sections 3.1.2.1 and 3.9.1.3 and Appendix C-4 of the Draft

MILLION ACRE-FEET OF WATER. I DID NOT SEE ANY OF THEM THERE AS WE WERE PUTTING OVER A BILLION POUNDS OF HIGH-DENSITY EXPLOSIVES INTO THAT GROUND TO FRACTURE IT. THEREFORE, THE LINER WILL PROBABLY LEAK.

THERE'S NO WAY THAT YOU CAN BUILD THIS WITHOUT CONTAMINATING THE WATER, AND YOU CAN'T MITIGATE CONTAMINATED WATER. I URGE YOU TO DENY THIS PROJECT.

(APPLAUSE.)

MR. ROUNTREE: THANK YOU, MR. UNDERWOOD.

ORDER TO CHANGE THE PAPER ON THE RECORDER. IF YOU WOULD LIKE TO STAND IN PLACE, THAT'S FINE, BUT ONE VERY BRIEF MINUTE.

(OFF THE RECORD.)

MR. ROUNTREE: LADIES AND GENTLEMEN, IF WE WILL PLEASE TAKE OUR PLACES -- PLEASE TAKE YOUR SEATS. I THINK WE CAN GO ON.

MR. RICK DANIELS.

BY MR. RICK DANIELS: THANK YOU. MY NAME IS RICK DANIELS. I'M PRESIDENT AND THE CHIEF EXECUTIVE OFFICER OF MINE RECLAMATION CORPORATION, THE DEVELOPER OF THE PROPOSED PROJECT. WE URGE BLM TO ISSUE A RECORD DECISION ON THE LAND EXCHANGE AND RIGHTS-OF-WAY AS SOON AS POSSIBLE.

THE LAND EXCHANGE IS GOOD FOR BLM, AND WE HAVE TALKED ABOUT THE HIGH-VALUE WILDERNESS AREAS THAT HAVE BEEN IDENTIFIED THAT BLM WANTS TO ATTRACT -- WANTS TO ACQUIRE. IT'S GOOD FOR PROTECTION OF LAND IN THE COACHELLA VALLEY. IT'S ESTIMATED THAT OVER $70 MILLION WILL BE AVAILABLE TO ACQUIRE HILLSIDE AND OTHER ENVIRONMENTALLY-SENSITIVE LANDS IN AND AROUND THE COACHELLA VALLEY.

EIS/EIR summarize the results of extensive studies to characterize the bedrock jointing and fracture systems. The potential effects of fracturing on the integrity of the liner system have been addressed in Section 2.1.6.2 of the Draft EIS/EIR through the inclusion of a requirement that the liner system be constructed on a firm, stable subgrade, as required by California regulations. If bedrock is fractured to the degree that it would not provide a firm, stable foundation for the liner system, then the fractured bedrock will be removed or stabilized as described in Sections 2.1.6.1 and 2.1.6.2 of the Draft EIS/EIR. To provide further for a firm, stable foundation, a foundation layer consisting of compacted soil or gravel with a minimum thickness of 1 foot will be placed directly beneath the unsaturated zone monitoring layer, which underlies the liner system. This foundation layer is illustrated in Section 2.1.5.1 of the Draft EIS/EIR.)

Response to Comment 16-49

Comment acknowledged.

THIS PROJECT IS GOOD FOR THE RECLAMATION ASPECTS OF THE PROJECT AND THE SITE. THE OLD MINE EXISTS THERE. THE SCAR HAS BEEN CREATED ON THE FACE OF THE EARTH. THE RECLAMATION OF THAT FACILITY, OF THAT SITE NEEDS TO BEGIN. THE PROJECT IS GOOD FOR THE COACHELLA VALLEY. ALL OF US IN HERE THAT ARE FROM THE COACHELLA VALLEY ARE SERVED BY TWO LANDFILLS. BOTH OF THOSE LANDFILLS ARE UNLINED SITES.

THEY ARE RAPIDLY FILLING, THEY NEED TO BE REPLACED. ONE IS LEAKING AND CONTAMINATING GROUNDWATER BECAUSE IT HAS NONE OF THE ENVIRONMENTAL PROTECTION MEASURES THAT HAVE BEEN PROPOSED AT EAGLE MOUNTAIN. APPROVAL OF THE PROJECT WILL ALLOW US AN ENVIRONMENTALLY-SUPERIOR REPLACEMENT TO THOSE SITES TO SERVE THE COACHELLA VALLEY, WHILE CREATING NEW JOBS AND REVENUE FOR A FINANCIALLY-STRAPPED COUNTY GOVERNMENT.

THE EAGLE MOUNTAIN PROJECT WILL PRODUCE 1,530 NEW YEAR-ROUND, FAMILY-WAGE-SCALE JOBS; IT WILL BRING $3.3 BILLION OF ECONOMIC IMPACT TO THE INLAND EMPIRE IN JUST THE FIRST 20 YEARS. WEIGH THE POSSIBILITY OF THE MINIMAL IMPACT TO THE ENVIRONMENT AND THE PROBABILITY OF ENORMOUS ECONOMIC IMPACT OF NEW JOBS TO THE AREA.

WE BELIEVE THAT ALL THE CONCEIVABLE ENVIRONMENTAL QUESTIONS HAVE BEEN ASKED AND THEY HAVE BEEN ANSWERED. WE HAVE CHANGED AND ADAPTED THE PROJECT TO RESPOND TO THE CONCERNS THAT HAVE BEEN RAISED IN THIS HEARING PROCESS, THE RESEARCH THAT HAS BEEN DONE TO DATE AND THE PROCESS THAT OCCURRED YEARS AGO. WE HAVE FUNDED MILLIONS OF DOLLARS OF BIOLOGICAL, GEOLOGICAL AND OTHER ENVIRONMENTAL RESEARCH.

JUST THIS WEEK WE RECEIVED A REPORT FROM RESEARCHERS STUDYING THE MALES OF BIGHORN SHEEP. THIS REPORT INDICATES THE DEVELOPMENT OF THE LANDFILL AS DESCRIBED IN THE DRAFT ENVIRONMENTAL IMPACT STATEMENT AND REPORT, AND WITH CONTINUED MONITORING, WILL NOT HARM THE SHEEP. THIS IS IN ADDITION TO TWO NO-JEOPARDY OPINIONS THAT HAVE BEEN ISSUED ON THE PROJECT FROM THE U.S. FISH AND WILDLIFE SERVICES. WILDLIFE AND THE ENVIRONMENT WILL BE PROTECTED.

MRC IS PROUD TO PARTICIPATE IN THIS KIND OF RESEARCH, AND WE LOOK FORWARD TO CONTINUING IT AND OTHER SIMILAR VALUABLE STUDIES AS THE PROJECT MOVES FORWARD. WE WILL BE SUBMITTING COPIES OF THE BIGHORN SHEEP STUDY FOR THE RECORD.

AT THIS TIME WE COMMEND THE BLM AND RIVERSIDE COUNTY FOR CONDUCTING AN OPEN PROCESS AND FOR PROVIDING PUBLIC ACCESS TO THE DRAFT DOCUMENTS AT SO MANY LOCATIONS THROUGHOUT THE COUNTY. WE URGE BLM TO APPROVE THE PROJECT AS PROPOSED SO THAT RIVERSIDE COUNTY CAN THEN CONSIDER THE LANDFILL PROJECT ON ITS MERITS.

THANK YOU VERY MUCH.

MR. ROUNTREE: THANK YOU VERY MUCH.

(APPLAUSE.)

MR. ROUNTREE: FRED EBELING. MR. EBELING, E-B-E-L-I-N-G. IS THERE ANYONE OUT THERE BY THAT NAME? I'LL PUT HIM OFF AND CALL HIS NAME AFTER THE OTHER SPEAKERS.

JOEY ACUNA.

BY MR. JOEY ACUNA: GOOD AFTERNOON. MY NAME IS JOEY ACUNA. I WOULD LIKE TO THANK YOU FOR HAVING THESE HEARINGS. I SUPPOSE THAT IS WHAT THEY ARE. 16-50

I NOTICED THEY BROUGHT THE BUS AGAIN. IT'S ALWAYS NICE TO KNOW THEY'RE GIVING SOMEBODY JOBS AND SOMEBODY BUSINESS.

FIRST OF ALL, I WOULD LIKE TO RESPOND TO A FEW THINGS THAT WERE SAID A LITTLE EARLIER. MR. DANIELS LOVES TO MAKE A PRACTICE OF ALWAYS REMINDING US THAT THE LANDFILLS IN THE COACHELLA VALLEY ARE LEAKING AND THEY HAVE PROBLEMS. CONSTRUCTION OF THIS PROJECT DOES NOTHING FOR THOSE LANDFILLS. THEY WILL CONTINUE TO LEAK UNTIL THE COUNTY RESPONSIBLY DOES SOMETHING. THE COUNTY CAN START DOING THAT NOW. THIS PROJECT AND MCR HAVE NOTHING TO DO WITH THAT, OTHER THAN USING IT AS A PROMO FOR THEMSELVES.

NO. 2, WE HAVE BEEN THROUGH THIS PROCESS BEFORE. IT'S THE SAME OLD BULL, NOTHING'S CHANGED. I WAS VERY INTERESTED IN WHAT THE GENTLEMAN FROM THE BUILDING INDUSTRY ASSOCIATION WHO CAME OUT HERE AND ESPOUSED ALL THE VALUES OF THIS PROJECT. IT'S THE SAME GROUP WHO HAS SPENT HUNDREDS OF 16-51 THOUSAND OF DOLLARS IN POLITICAL FUNDS, ALSO TEND TO DENY SCHOOL DISTRICTS MONEY SO THEY CAN MAKE EVEN MORE OF A PROFIT.

YOU KNOW, THEIR CREDIBILITY, IN MY MIND, DOES NOT HOLD A LOT OF WATER. AND WHEN HE COMES OUT HERE AND PRETENDS TO SPEAK FOR THE COMMUNITY AND BUSINESS AT LARGE, HE IS VERY MISTAKEN. HE REPRESENTS HIS OWN SMALL MINORITY PART OF THIS SPECIAL INTEREST GROUP.

Response to Comment 16-50

It is acknowledged that any leakage or other problems at existing Coachella Valley landfills can be resolved only if the owners of these landfills take corrective actions. Development of the Eagle Mountain Landfill Project would, however, provide an environmentally superior replacement for existing landfills in the Coachella Valleys, and could allow for the earlier closure of leaking landfills.

Response to Comment 16-51

Comment acknowledged.

ALSO, THE BLM'S RESPONSIBILITY HERE IS TO DO WHAT
16-52 IS IN THE BEST INTERESTS OF THE PUBLIC, NOT IN THE INTERESTS
OF THE CORPORATION MCR, NOT IN THE INTERESTS OF THE BLM'S
OWN PRIVATE AGENDA, ITS SELF-SERVING PROCESSES WE'VE SEEN IN
THE PAST, BUT THE PUBLIC'S GOOD. SO I WILL ASK YOU, AS I DID
THE FIRST TIME AROUND, THAT YOU DENY ANY LAND TRANSFER AND
KEEP THAT PROPERTY AS FOR THE PUBLIC'S GOOD.

I'M SURE ANYONE WITH A SENSE OF THE MAGNITUDE AND
THE BEAUTY OF THE JOSHUA TREE NATIONAL PARK KNOWS THAT THE
STUPIDEST THING YOU CAN DO IS PUT A DUMP, PROBABLY THE
NATIONS LARGEST DUMP IN FRONT OF IT. THAT IS LIKE PUTTING A
NUCLEAR REACTOR IN FRONT OF THE LAS VEGAS STRIP. IT'S JUST
16-53 NOT DONE, IT'S STUPID. BUT HERE WE ARE AGAIN.

MIGHT I REMIND YOU, WE STOOD HERE BEFORE AND TOLD
YOURSELVES AND OTHER PEOPLE THIS PROJECT WOULD NOT SEE THE
LIGHT OF DAY. WE WERE TOLD WE WERE CRAZY. THE PROJECT HAS
NOT SEEN THE LIGHT OF DAY. SO AGAIN, THIS PROJECT IS NOT
GOING ANYWHERE. I HOPE YOU DO THE RESPONSIBLE THING THIS
TIME AND NOT HAVE US BRING YOU BACK INTO COURT TO DO THE DUTY
YOU SHOULD HAVE DONE THE FIRST TIME AROUND.

AGAIN, I THANK YOU FOR HAVING THESE HEARINGS. I
APPRECIATE IT, AND WOULD HAVE HOPED YOU WOULD HAVE DONE THEM
IN SEPTEMBER AND OCTOBER WHEN MORE PEOPLE WOULD HAVE CAME
OUT. OBVIOUSLY, YOU ALWAYS SEEM TO PICK THE SUMMER TO DO
THESE KINDS OF PROJECTS-- THESE KINDS OF THINGS WHEN NOBODY
IS AROUND AND PEOPLE ARE REALLY BUSY WORKING. BUT I DO
APPLAUD THE EFFORT.

Response to Comment 16-52

Comment acknowledged.

Response to Comment 16-53

Comment acknowledged.

16-54 ALSO, I WANT TO THANK YOU -- I WANT TO THANK YOU FOR PROVIDING THE REPORTS, THE E.I.R. REPORTS. I THINK IT WAS A GREAT SERVICE FOR YOU TO BE ABLE TO PASS THOSE OUT TO INTERESTED PARTIES. UNLIKE THE COUNTY, WHO REFUSED TO GIVE THEM TO ANYONE, SAYING THEY WOULD NOT GIVE ANYONE A COPY.

SO ONCE AGAIN, THANK YOU FOR THAT, AND I THANK YOU FOR YOUR TIME.

(APPLAUSE.)

MR. ROUNTREE: THANK YOU.

MR. ROBERT ROMAN.

BY MR. ROBERT ROMAN: MY NAME IS ROBERT ROMAN. I'M VICE-CHAIRMAN OF THE EAGLE MOUNTAIN LANDFILL OPPOSITION COALITION. JUST A COUPLE OF POINTS HERE, I WOULD LIKE TO

16-55 DEAL WITH A COUPLE OF FACTS ABOUT THE PROPOSED EAGLE MOUNTAIN MEGADUMP, AS OPPOSED TO THE ENDLESS VOLUMES OF SPECULATION CONTAINED WITHIN THE ENVIRONMENTAL IMPACT STATEMENT, WHICH YOU REALLY SHOULD READ TO MAKE AN INFORMED JUDGMENT.

THE ONE FACT IS THE BOTTOM HAS DROPPED OUT OF THE WASTE-HAULING BUSINESS. MINE RECLAMATION CORPORATION HAS ADMITTED THAT THE SPECULATIVE REVENUE THAT WAS PROMISED RIVERSIDE COUNTY IN ROUND ONE WILL NEVER, EVER BE REALIZED. AND THAT THERE'S JUST NO FINANCIAL GAIN TO BE HAD. AND THERE'S NO BENEFIT WORTH THE RISK TO AIR AND WATER QUALITY.

Response to Comment 16-54

To accommodate public review of the Draft EIS/EIR, an initial printing of 350 copies of the Draft EIS/EIR and 150 copies of the two volumes of the technical appendices was prepared. In response to requests, an additional 20 copies of the Draft EIS/EIR and 16 copies of the two volumes of the technical appendices were printed, resulting in a total of 370 copies of the Draft EIS/EIR and 166 copies of each of the technical appendices. After sending copies of the Draft EIS/EIR to individuals and agencies on a consolidated BLM and County mailing list of approximately 160 people, the remaining copies were sent to members of the public upon request. Copies of the document were sent out within 24 hours of the date of the request.

In addition, copies of the complete document (EIS/EIR, Volumes 1 and 2 of the Technical Appendices) are in more than 20 libraries in Southern California and the San Francisco Bay area. Copies are also available for review in the Palm Springs and Riverside offices of the BLM and in the Indio and Riverside offices of the County.

Response to Comment 16-55

See Response to Comment 26-7.

ANOTHER FACT IS THAT MINE RECLAMATION CORPORATION
16-56 IS ESSENTIALLY A PUBLIC RELATIONS COMPANY. THEY HAVE NEVER
OPERATED A LANDFILL FACILITY. AND YOU WOULD TRUST THESE
PEOPLE WITH THE CONSTRUCTION, OPERATIONS AND MONITORING OF
THE POTENTIALLY LARGEST DUMP EVER PROPOSED BY MAN? I DON'T
THINK SO. THIS PROJECT IS A BOONDOGGLE AND IS MORE
POTENTIALLY A FINANCIAL LIABILITY THAN THE PROVERBIAL GOLDEN
EGG. YOU KNOW, YOU WOULDN'T PUT A DUMP NEXT TO YELLOWSTONE
NATIONAL PARK AND YOU WOULDN'T PUT A DUMP AT YOSEMITE.
ONE THING HAS REMAINED THE SAME SINCE ROUND ONE ON
THIS PROPOSAL: THIS PROJECT IS COMPLETELY UNNECESSARY.
THERE'S BEEN ONE MAJOR CHANGE, THOUGH; JOSHUA TREE IS NOW A
16-57 NATIONAL PARK. AND THE BLM SHOULD NOT TRADE PUBLICLY-OWNED
LAND, LAND OWNED BY ALL AMERICANS, TO A DUMP COMPANY TO BURY
METROPOLITAN TRASH FOREVER.
AND THERE IS STILL SOME QUESTIONS WHETHER OR NOT
KAISER EVEN OWNS THE LAND IT IS OFFERING FOR PUBLIC LAND.
YOU KNOW, YOU JUST -- YOU DON'T PUT A DUMP NEXT TO A NATIONAL
PARK.
THE CALIFORNIA BLM SHOULD STOP ACTING LIKE A
WAL-MART OF PUBLIC LANDS AND STOP SELLING OUR LAND OFF FOR
NOTHING TO THOSE WHO WOULD DESTROY THAT LAND FOREVER FOR
PRIVATE PROFITS. THANK YOU.
(APPLAUSE.)
MR. ROUNTREE: THANK YOU, MR. ROMAN.

Response to Comment 16-56

Mine Reclamation Corporation does not and has not operated any landfills, but it does have personnel that have worked for WMX Industries and Browning Ferris Industries, the two largest privately-owned companies in the solid waste business in North America. Section 2.1 of the Draft EIS/EIR contains a discussion of MRC and Kaiser's ongoing discussions with private companies and public entities about interest in participating in the Project through a commitment of waste, an operating contract, a purchase of disposal rights, or purchase of an equity position in the company.

The Draft EIS/EIR in Section 1.3 does discuss the regional solid waste disposal requirements that are anticipated to occur over the life of the Project. The information available supports the conclusion that a number of new regional sites will be needed over the mid- to long-term. Section 4.8.2 of the Draft EIS/EIR contains a discussion of the growth inducement and socioeconomics of the Project and concludes that the operation of the landfill would result in a positive flow of monies to the County of $8,750,000 per year and an additional $17,500,000 per year of monies elsewhere. It also concludes that, at full operation, the Project would generate $182 million in annual revenues based on an average tipping fee of $25 per ton.

The County Sanitation Districts of Los Angeles County, in their letter (Comment 13) stated that new landfill capacity is needed. Furthermore, SCAG stated in its comment letter on the Draft EIS/EIR (Comment 12) that the Project is generally consistent with the pertinent policies in the Regional Comprehensive Plan and Guide. SCAG also stated in its comment letter that this disposal option could reduce waste management costs for businesses and residents.

Response to Comment 16-57

Please see General Response 4.

MR. FRED EBELING. MR. FRED EBELING.

FOLKS, WE HAVE REACHED THE END OF THE LIST OF PERSONS WHO HAVE REQUESTED TO SPEAK THIS AFTERNOON. IS THERE ANYBODY ELSE IN THE AUDIENCE WHO WOULD LIKE TO MAKE A STATEMENT AT THIS TIME WHO DID NOT CHECK THE SPEAKERS' BOX IN THE SIGN-IN SHEET?

YES, SIR. CAN YOU APPROACH THE MICROPHONE, PLEASE SIR.

BY MR. ANDREW ODDI: MY NAME IS ANDREW ODDI. I'M A FORMER STEEL WORKER. I LIVE AT 5367 LOS ALTOS LANE IN YORBA LINDA WITH MY DAUGHTER. I HAD THE PRIVILEGE OF BEING AN EMPLOYEE OF KAISER STEEL IN FONTANA FOR 31 YEARS. AND I WANT TO SAY THIS: THAT HENRY KAISER WAS ONE OF THE GREATEST HUMANITARIANS OF THE CENTURY. HE HAD A FORESIGHT, HE COULD SEE AHEAD. HE KNEW HOW TO MAKE THINGS HAPPEN. AND HE WOULD NOT DO ANYTHING TO HARM ANYONE, AS FAR AS I'M CONCERNED. AND IF HE WERE HERE TODAY, HE WOULD MAKE A FAMOUS STATEMENT, HE WOULD SAY, "WE THE PEOPLE WILL MANAGE THE ENVIRONMENT, THE ENVIRONMENT WILL NEVER MANAGE US." THANK YOU.

16-58

(APPLAUSE.)

MR. ROUNTREE: THANK YOU.

I WOULD LIKE TO THANK ALL OF YOU FOR ATTENDING THIS HEARING THIS AFTERNOON. AS I MENTIONED EARLIER, IF YOU WOULD LIKE TO SUBMIT COPIES OF YOUR PRESENTATIONS THIS EVENING, PLEASE CONTACT ME OR SOMEONE AT THE DOOR.

I WANT TO ASSURE YOU ALL THAT YOUR ORAL COMMENTS AND WRITTEN STATEMENTS WILL BE PART OF THIS PERMANENT RECORD. I WOULD LIKE TO DECLARE THIS HEARING ADJOURNED.

THANK YOU VERY MUCH.

(HEARING CONCLUDED AT 5:35 P.M.)

Response to Comment 16-58

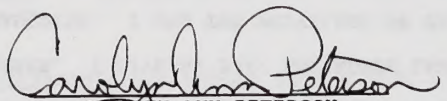
Comment acknowledged.

I, CAROLYN ANN PETERSON, CSR NO. 3195, DO HEREBY CERTIFY:

THAT SAID HEARING WAS TAKEN DOWN BY ME IN SHORTHAND AT THE TIME AND PLACE THEREIN NAMED AND THEREAFTER REDUCED TO COMPUTERIZED TRANSCRIPTION UNDER MY DIRECTION.

I FURTHER CERTIFY THAT I AM NOT INTERESTED IN THE EVENT OF THE ACTION.

WITNESS MY HAND THIS 21ST DAY OF AUGUST, 1996.



CAROLYN ANN PETERSON,
CSR NO. 3195

COMMENT STATEMENT 17

CERTIFIED COPY

EAGLE MOUNTAIN LANDFILL

AND

RECYCLING CENTER PROJECT

BUREAU OF LAND MANAGEMENT

HEARING

AUGUST 7, 1996

TAKEN AT BLACKROCK VISITOR CENTER

9800 BLACKROCK CANYON ROAD

YUCCA VALLEY, CALIFORNIA

YATES & ASSOCIATES
CERTIFIED COURT & DEPOSITION REPORTERS
73-255 EL PASEO / SUITE 15
PALM DESERT, CA 92260-4276
619 / 341-4431
FAX 619 / 568-9338

MEMBERS OF CALIFORNIA COURT REPORTERS ASSOCIATION AND NATIONAL SHORTHAND REPORTERS ASSOCIATION

I N D E X

APPEARANCES:

JULIE DOUGAN, AREA MANAGER
PALM SPRINGS-COAST RESOURCE AREA

CARL ROUNTREE, HEARING OFFICER
BUREAU OF LAND MANAGEMENT, SACRAMENTO OFFICE

TOM PETERS, CH2M HILL

CHRISTINE ROBERTS, CH2M HILL

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YUCCA VALLEY, CALIFORNIA, WEDNESDAY, AUGUST 7, 1996

6:00 P.M.

MS. DOUGAN: THANK YOU, ERNIE.

I'M JULIA DOUGAN. I'M THE BUREAU OF LAND MANAGEMENT'S AREA MANAGER FOR THE PALM SPRINGS-SOUTH COAST RESOURCE AREA. I WOULD LIKE TO THANK SUPERINTENDENT QUINTANA AND THE PARK SERVICE FOR MAKING THIS FACILITY AVAILABLE FOR US SO THAT WE CAN COME OUT TO THIS AREA AND REACH OUT TO SOME PEOPLE THAT MAYBE COULDN'T COME TO SOME OF OUR OTHER MEETINGS. I'D ALSO LIKE TO THANK YOU FOR TAKING YOUR TIME TO COME HERE TONIGHT TO PARTICIPATE IN GETTING OUT YOUR COMMENTS ON THE EAGLE MOUNTAIN LANDFILL PROJECT.

I'LL GO OVER JUST REALLY BRIEFLY HOW THE HEARING WILL RUN. WE WILL HAVE THE HEARING RUN BY THE HEARING OFFICER WHO WILL START OFF WITH A SHORT PROJECT DESCRIPTION. AND THEN WE'LL GO TO PUBLIC COMMENTS. AND WE WOULD LIKE TO BE FINISHED BY, I BELIEVE, 9:00 O'CLOCK AT THE LATEST, IF POSSIBLE.

OUR HEARING OFFICER IS CARL ROUNTREE, AND NOW I'LL TURN IT OVER TO HIM SO HE CAN EXPLAIN THE PROCEDURES WE'LL GO THROUGH TONIGHT.

MR. ROUNTREE: THANKS, JULIA.

CAN EVERYBODY HEAR ME OKAY?

I WANT TO THANK YOU AGAIN FOR COMING OUT. MY NAME, AGAIN, IS CARL ROUNTREE. I'M WITH THE BUREAU OF LAND

MANAGEMENT'S CALIFORNIA STATE OFFICE IN SACRAMENTO, CALIFORNIA. I'M WITH THE ECOSYSTEMS, SCIENCES AND LANDS DIVISION WHERE I'M THE ASSISTANT DIRECTOR.

THIS IS A PUBLIC HEARING FOR THE BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR. I'D LIKE TO EMPHASIZE THAT THIS IS A HEARING WHICH IS BEING HELD THIS EVENING TO RECEIVE INFORMATION, YOUR VIEWS, COMMENTS, AND ANY SUGGESTIONS THAT YOU MIGHT HAVE ON THE ADEQUACY OF THE ENVIRONMENTAL IMPACT STATEMENT AND ENVIRONMENTAL IMPACT REPORT FOR THE EAGLE MOUNTAIN LANDFILL PROJECT AND THE RECYCLING CENTER.

THIS DOCUMENT WAS PREPARED BY THE BUREAU OF LAND MANAGEMENT AND THE COUNTY OF RIVERSIDE UNDER CONTRACT FROM THE CH2M HILL. FOLLOWING MY OPENING REMARKS, A BRIEF PRESENTATION WILL BE MADE BY MR. TOM PETERS FROM CH2M HILL ABOUT THE LANDFILL PROJECT. AFTER MR. PETERS COMPLETES THE PROJECT OVERVIEW, I WILL BE CALLING ON INDIVIDUALS WHO HAVE SIGNED UP TO MAKE COMMENTS AT THIS HEARING.

FOR THOSE OF YOU WHO DON'T KNOW, THE EAGLE MOUNTAIN DRAFT ENVIRONMENTAL IMPACT STATEMENT AND ENVIRONMENTAL IMPACT REPORT IS BOTH A STATEMENT AND REPORT BECAUSE IT'S A DOCUMENT THAT WAS PREPARED BOTH FOR THE FEDERAL GOVERNMENT AS WELL AS FOR THE COUNTY OF RIVERSIDE.

THE DOCUMENT WAS OFFICIALLY RELEASED BY THE BUREAU OF LAND MANAGEMENT FOR REVIEW ON JULY 12, 1996, AND THE NOTICE OF AVAILABILITY WAS PUBLISHED IN THE FEDERAL REGISTER

THAT SAME DAY, JULY 12, 1996. ON PUBLICATION IN THE FEDERAL REGISTER, A 60-DAY COMMENT PERIOD BEGAN AND IS CURRENTLY UNDERWAY. WITH THE EXCEPTION OF COMMENTS RECEIVED AT THE PUBLIC HEARINGS, COMMENTS WILL BE ACCEPTED IN WRITING ONLY THROUGH SEPTEMBER 17, 1996. COMMENTS MAY BE SUBMITTED TO THE CALIFORNIA BUREAU OF LAND MANAGEMENT'S OFFICE IN RIVERSIDE, OR TO THE COUNTY OF RIVERSIDE PLANNING DEPARTMENT IN RIVERSIDE AS WELL.

A TOTAL OF FOUR PUBLIC HEARINGS ARE BEING CONDUCTED IN CONNECTION WITH THE RELEASE OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT AND REPORT. TWO WE HAVE ALREADY HELD; ONE WAS HELD ON AUGUST 5TH IN DESERT CENTER, AND ANOTHER LAST NIGHT IN PALM SPRINGS, AUGUST 6TH, AND ONE TONIGHT HERE IN YUCCA VALLEY, AND ONE ADDITIONAL HEARING WILL BE TOMORROW NIGHT, AUGUST 8TH, IN RIVERSIDE. FOR THOSE OF YOU WHO ARE INTERESTED, THE TIME AND THE DATE AND LOCATION FOR THAT PARTICULAR HEARING, REMAINING HEARING, IS AVAILABLE AT THE SIGN-IN DESK.

ADDITIONAL HEARINGS ARE GOING TO BE CONDUCTED BY THE COUNTY FOR THE PLANNING COMMISSION AND THE BOARD OF SUPERVISORS ON THE FINAL ENVIRONMENTAL IMPACT STATEMENT AND REPORT AND THE COUNTY LAND USE ENTITLEMENTS AFTER THE IMPACT STATEMENT AND REPORT IS RELEASED.

I WOULD LIKE TO STATE THAT THE PURPOSE OF THESE HEARINGS IS TO PROVIDE YOU WITH THE OPPORTUNITY TO VERBALLY ADDRESS THE CONTENT OF THE ENVIRONMENTAL IMPACT STATEMENT AND

REPORT FOR THE EAGLE MOUNTAIN LANDFILL PROJECT. WE WILL NOT BE ANSWERING QUESTIONS AT THIS HEARING. IF YOU HAVE QUESTIONS REGARDING THE PROJECT, I WOULD ASK YOU TO ADDRESS THEM IN WRITING TO THE BUREAU OF LAND MANAGEMENT, THEIR DISTRICT OFFICE IN RIVERSIDE, OR COUNTY OFFICES IN RIVERSIDE AS WELL, AND THEY WILL BE ANSWERED FORMALLY IN WRITING.

AT THIS POINT I WOULD LIKE TO TURN THE FLOOR OVER TO MR. TOM PETERS, WHO WILL MAKE A BRIEF PRESENTATION OF THE PROJECT. TOM.

MR. PETERS: CAN EVERYONE HEAR ME OKAY? THERE IS A PORTABLE MIKE, BUT CAN EVERYBODY HEAR ME? CAN YOU HEAR ME OKAY? OKAY, LET'S TRY IT.

MY NAME IS TOM PETERS. I'M PROJECT MANAGER FOR CH2M HILL. CH2M HILL IS THE FIRM THAT PREPARED THE ENVIRONMENTAL IMPACT REPORT FOR THE LEAD AGENCIES. AS CARL ROUNTREE MENTIONED, THE PRIMARY PURPOSE TONIGHT IS TO TAKE COMMENTS FROM YOU ON THAT, SO MY PRESENTATION IS GOING TO BE VERY BRIEF. AND WE HAVE COPIES OF SUMMARY DOCUMENTS, WHICH SUMMARIZE THE PROJECT AND THE ENVIRONMENTAL IMPACTS, IN THE ENTRYWAY. SO FOR THOSE OF YOU WHO WANT ADDITIONAL INFORMATION, THERE'S MORE INFORMATION IN THAT SUMMARY, ALSO IN THE ENVIRONMENTAL IMPACT STATEMENT.

TONIGHT, WHAT I WOULD LIKE TO DO IS COVER FOUR THINGS. FIRST, BRIEFLY DISCUSS THE HISTORY OF THE EAGLE MOUNTAIN PROJECT E.I.S. AND HOW IT'S EVOLVED OVER THE LAST FEW YEARS, SUMMARIZE THE ENVIRONMENTAL IMPACT STATEMENT AND

IMPACT REPORT PROCESS THAT'S NOW UNDERWAY, AND DESCRIBE THE PROJECT BRIEFLY, AND THEN SUMMARIZE SOME OF THE POTENTIAL IMPACTS.

IN 1992, THE ENVIRONMENTAL IMPACT STATEMENT AND IMPACT REPORT WAS CERTIFIED BY RIVERSIDE COUNTY. AGAIN, WE HAVE TWO CONCURRENT PROCESSES THAT ARE GOING ON: ONE IS THE FEDERAL E.I.S. PROCESS WITH THE BLM AS THE LEAD AGENCY, AND THE OTHER IS THE E.I.R., WITH RIVERSIDE COUNTY AS THE LEAD AGENCY.

THERE WAS A LAWSUIT FILED IN 1992 WHICH CHALLENGED THE ADEQUACY OF THAT ORIGINAL DOCUMENT, AND AS A RESULT OF THE LAWSUIT THERE WERE SEVERAL ISSUES THAT THE COURT REQUIRED BE FURTHER ADDRESSED IN REFINING THE ANALYSIS OF THE PROJECT. THE FIRST WAS SEISMIC CONSIDERATIONS. THE COURT DIRECTED THAT ADDITIONAL STUDIES BE MADE ABOUT FAULTS AND OTHER SEISMIC ISSUES TO ENSURE THAT THE PROJECT WOULD NOT BE ADVERSELY AFFECTED BY EARTHQUAKE ACTIVITY.

THE SECOND WAS TO FURTHER STUDY THE EFFECTIVENESS OF THE MITIGATION MEASURES THAT WERE PROPOSED TO PROTECT THE DESERT TORTOISE.

THE THIRD WAS TO FURTHER ANALYZE THE POTENTIAL IMPACTS ON THE JOSHUA TREE NATIONAL MONUMENT, AS IT WAS KNOWN IN 1992, AND OF COURSE IS NOW A NATIONAL PARK, SINCE 1992.

ANOTHER AREA THAT WAS REQUESTED -- DIRECTED FOR FURTHER EXAMINATION WAS THAT FURTHER HAZARDOUS WASTE CONTAMINATION SURVEYS BE CONDUCTED TO DETERMINE WHETHER OR

NOT THERE IS ANY EXISTING HAZARDOUS WASTE. SO THAT ISSUE IS ALSO ADDRESSED

ANOTHER AREA THAT REQUIRED FURTHER STUDY WAS THE TOWNSITE, AND THIS IS THE TOWNSITE, THE EAGLE MOUNTAIN TOWNSITE WHICH WAS USED BY THE FORMER MINING COMPANY, WHERE 3,700 PEOPLE LIVED IN THE TOWNSITE.

THE LAST THEORY THAT THE COURT REQUIRED BE EXAMINED WAS AN ADDITIONAL REFINEMENT OF THE CUMULATIVE EFFECTS ANALYSIS. WHAT THE ENVIRONMENTAL STATEMENT PROCESS REQUIRES IS THAT YOU EXAMINE NOT ONLY THE IMPACTS OF THE PROPOSED PROJECT, BUT OF OTHER PROPOSED PROJECTS, SO TAKE IT IN A CUMULATIVE SENSE AND EXAMINE THOSE PROJECTS TOGETHER.

SPECIFICALLY, THERE IS ANOTHER MAJOR PROJECT PROPOSED IN THE SAME GENERAL AREA, AND THAT'S KNOWN AS THE EAGLE CREST ENERGY CORPORATION HYDROELECTRIC PLANT. SO THE CUMULATIVE EFFECTS ANALYSIS EXAMINES THE IMPACTS OF BOTH OF THOSE PROJECTS, ASSUMING THEY ARE BOTH CONSTRUCTED, IF THEY ARE.

FOLLOWING THE LAWSUIT, THE NEW E.I.S. WAS DEVELOPED DURING 1995 AND PUBLISHED IN 1996. THE PURPOSE OF THIS DOCUMENT IS TO ADDRESS THE POTENTIAL IMPACTS OF THE RECYCLING CENTER PROJECT, THE LANDFILL AND RECYCLING CENTER. THAT ALSO INCLUDES LOOKING AT THE IMPACTS OF THE TOWNSITE.

AGAIN, THIS IS A JOINT FEDERAL ENVIRONMENTAL IMPACT STATEMENT WITH THE BLM AS THE LEAD AGENCY, AND A STATE ENVIRONMENTAL IMPACT REPORT, WITH RIVERSIDE COUNTY AS THE

LEAD AGENCY.

THE FIRST STEP IN THE PROCESS WAS THE PUBLICATION OF THE DRAFT E.I.S. THAT WAS DISTRIBUTED IN JULY. THE PROCESS THAT WE ARE GOING THROUGH NOW IS TO TAKE PUBLIC AND WRITTEN TESTIMONY. THE ORAL TESTIMONY THAT YOU GIVE THIS EVENING WILL BE TAKEN, A TRANSCRIPT IS BEING MADE, AND THOSE COMMENTS WILL BE PUBLISHED IN WHAT IS KNOWN AS A FINAL ENVIRONMENTAL IMPACT STATEMENT AND REPORT.

AND THE LEAD AGENCIES, THE BLM AND RIVERSIDE COUNTY ARE RESPONSIBLE FOR PREPARING A RESPONSE TO EACH OF THOSE COMMENTS THAT ARE MADE THIS EVENING, AND ALL OF THE WRITTEN TESTIMONY THAT IS SUBMITTED BOTH BY THE PUBLIC AND BY THE AGENCIES THAT ARE REVIEWING THE PROJECT. THAT FINAL E.I.S./E.I.R. WILL BE PUBLISHED AND THEN CONSIDERED BY THE BLM AND BY RIVERSIDE COUNTY. RIVERSIDE COUNTY WILL CONDUCT ADDITIONAL HEARINGS LATER IN THE FALL.

I'M SURE, AS MOST OF YOU KNOW, THE PROJECT IS LOCATED ABOUT 80 MILES EAST OF PALM SPRINGS AND 10 MILES NORTH OF DESERT CENTER. IT COMPRISES THREE MAJOR COMPONENTS: THE FIRST IS THE LANDFILL PROJECT ITSELF; THE SECOND IS A SERIES OF LAND EXCHANGES WHICH WOULD OCCUR BETWEEN KAISER, WHICH OWNS MUCH OF THE PROPERTY UP THERE WHERE THE OLD MINE IS; AND THE THIRD IS THE RENOVATION AND REDEVELOPMENT OF THE TOWNSITE ITSELF.

THE LANDFILL WILL ACCEPT WASTE PRIMARILY BY RAIL. THERE WILL BE SOME TRUCK ACCESS VIA EAGLE MOUNTAIN ROAD. THE

MAIN ROAD UP TO THE MINE RIGHT NOW IS KAISER ROAD. THE AMOUNT OF WASTE WILL INCREMENTALLY INCREASE, WITH AN ENDING CAPACITY OF 20,000 TONS PER DAY. THE SITE ITSELF COMPRISES ABOUT 4,654 ACRES. THAT'S THE ENTIRE SITE. THE LANDFILL ITSELF IS ABOUT HALF THAT AMOUNT OF ACREAGE.

THE ENVIRONMENTAL IMPACT STATEMENT ANALYZES AN ISSUE THAT WAS BROUGHT UP DURING THE SCOPING PROCESS WHICH TOOK PLACE MORE THAN A YEAR AGO. ONE OF THE ISSUES THAT WAS RAISED BY AGENCIES AND THE PUBLIC WAS THE AMOUNT OF LANDFILL CAPACITY THAT CURRENTLY EXISTS. WHAT THIS CHART ILLUSTRATES IS, THE BLUE ILLUSTRATES THE EXISTING LANDFILL CAPACITY. THAT'S THE AMOUNT OF PERMANENT CAPACITY THAT EXISTS TODAY THAT CAN ACCEPT WASTE WITHIN THE SOUTHERN CALIFORNIA AREA.

OVER THE NEXT FEW YEARS, AS THOSE EXISTING PERMANENT LANDFILLS FILL UP, THE AMOUNT OF PERMANENT CAPACITY GOES DOWN. AT THE SAME TIME THE AMOUNT OF WASTE THAT IS BEING GENERATED WILL BE INCREASING WITH TIME AS POPULATION AND OTHER FACTORS AFFECT IT. THE CONCLUSION OF THE ANALYSIS SHOWS THAT THERE WILL BE, IN THE MID-TERM, WHICH IS ABOUT 10 YEARS FROM NOW, NEED FOR ADDITIONAL CAPACITY, AND OBVIOUSLY, OVER THE LONG-TERM, THE NEED FOR ADDITIONAL LANDFILL CAPACITY.

THE TOWNSITE IS ANOTHER PART OF THE PROPOSED PROJECT. IT CONSISTS OF ABOUT 429 ACRES. FOR RIVERSIDE COUNTY, THERE IS A SPECIFIC PLAN THAT IS REQUIRED. AND THIS WILL BE REVIEWED BY THE COUNTY PLANNING COMMISSION AND

ULTIMATELY THE BOARD OF SUPERVISORS. THE SPECIFIC PLAN IS DETAILED IN THE E.I.S. IT DIVIDES THE TOWNSITE UP INTO 12 PRIMARY AREAS, COMMERCIAL AND RESIDENTIAL AND SO ON. EACH OF THOSE AREAS IS DESCRIBED IN THE E.I.S.

THE ENVIRONMENTAL IMPACT STATEMENT EXAMINES SEVERAL ALTERNATIVES TO THE PROPOSED PROJECT. THE PROPOSED ACTION IS THE LAND EXCHANGES, DEVELOPMENT OF THE LANDFILL, AND REDEVELOPMENT AND REPOPULATION OF THE TOWNSITE. THERE IS A REQUIREMENT TO EXAMINE A NO ACTION ALTERNATIVE, WHICH MEANS NO PROJECT, NO LANDFILL, NO REDEVELOPMENT AND NO REPOPULATION OF THE TOWNSITE.

THERE IS A REDUCED VOLUME ALTERNATIVE. THE PROPOSED PROJECT IS 20,000 TONS PER DAY. THERE IS AN ALTERNATIVE THAT INCLUDES 16,000 TONS PER DAY. THERE'S AN ALTERNATIVE ACCESS ROAD THAT'S ANALYZED, AND THAT WILL USE KAISER ROAD, WHICH IS THE ONE THAT RUNS CLOSER TO THE TOWNS, AND THAT WOULD PRECLUDE THE USE OF EAGLE MOUNTAIN ROAD FOR ACCESS. THERE'S A RAIL ACCESS ONLY THAT WOULD PRECLUDE TRUCK TRAFFIC AND ONLY ALLOW WASTE BY RAIL INTO THE SITE.

THERE'S ALSO AN ALTERNATIVE THAT LOOKS AT DEVELOPING THE LANDFILL ON KAISER-OWNED PROPERTY AS IT STANDS TODAY. AND FINALLY, AN ALTERNATIVE THAT LOOKS AT DEVELOPING THE LANDFILL BUT NOT REPOPULATING THE TOWNSITE.

THE ENVIRONMENTAL STATEMENT PROCESS STARTED OUT WITH CONSIDERING A VERY BROAD RANGE OF ALTERNATIVES, AND THERE WERE A NUMBER OF ALTERNATIVES THAT WERE CONSIDERED BUT

ELIMINATED FROM FURTHER CONSIDERATION, AND THESE ARE DISCUSSED IN THE E.I.S., AND THE REASONS WHY THEY WERE ELIMINATED FROM FURTHER CONSIDERATION ARE ALSO INCLUDED. THIS INCLUDED A LANDFILL ON OTHER KAISER PROPERTY, WASTE DIVERSION, OFF-SITE LANDFILL LOCATIONS, MINING LANDFILLS, COMPOSTING, AND OTHER LOCATIONS FOR THE TOWNSITE.

THE SUMMARY INCLUDES A VERY DETAILED LIST OF ALL THE POTENTIAL IMPACTS ASSOCIATED WITH EACH OF THESE ALTERNATIVES. IT INCLUDES MITIGATION MEASURES THAT HAVE BEEN PROPOSED TO REDUCE OR ELIMINATE THOSE SPECIFIC IMPACTS. DESPITE ALL THE MITIGATION MEASURES THERE ARE STILL SOME IMPACTS THAT CANNOT BE COMPLETELY ELIMINATED. THOSE INCLUDE AIR EMISSIONS. AS MANY OF YOU KNOW, THERE ARE FEDERAL AND STATE AMBIENT AIR QUALITY STANDARDS. PORTIONS OF THE DESERT AREA ALREADY EXCEED THESE STANDARDS, SO THAT ANY ADDITIONAL EMISSIONS FROM TRAINS OR TRUCKS OR PART OF THE PROJECT CONSTITUTES AN IMPACT BECAUSE OF THE EXISTING VIOLATION OF THESE STANDARDS.

THERE IS AN EXISTING BAT POPULATION AT THE MINE, AND THE OFFICIAL ACTIVITY OF THE DEVELOPMENT OF THE LANDFILL WILL LIKELY AFFECT THE POPULATION OF THOSE BATS. THESE BATS ARE NOT ON THE RARE AND ENDANGERED SPECIES LIST, BUT IT IS A POPULATION, NONETHELESS, THAT COULD BE AFFECTED BY THE LANDFILL DEVELOPMENT.

THERE'S ALSO A DISCUSSION IN THE E.I.S. ABOUT POTENTIAL IMPACTS TO THE WILDERNESS, AND THE CONCLUSION THAT

WAS REACHED IN THE DOCUMENT IS THAT EVERYBODY HAS A DIFFERENT EXPERIENCE WITH THE WILDERNESS, AND THERE IS LIKELY TO BE AN IMPACT TO PEOPLE'S EXPERIENCE BY HAVING VISUAL DEVELOPMENT OF ANY KIND, INCLUDING THE LANDFILL, IN THE GENERAL AREA.

THE IMPACT STATEMENT ALSO LISTS CUMULATIVE EFFECTS THAT WOULD ALSO BE UNAVOIDABLE DESPITE ANY MITIGATION EFFORTS THAT MIGHT OCCUR.

THERE WERE ABOUT 350 COPIES OF THE E.I.S. PUBLISHED, AND WE STILL HAVE A FEW ADDITIONAL COPIES OF THE IMPACT STATEMENT FOR THOSE OF YOU THAT WANT TO GET COPIES. THERE ARE ALSO COPIES AVAILABLE AT MORE THAN 20 PUBLIC PLACES AROUND RIVERSIDE AND SAN BERNARDINO COUNTIES, INCLUDING THE LIBRARIES AND THE BRANCH HERE IN YUCCA VALLEY. NOW, WE ALSO PRINTED ABOUT 125 COPIES OF ALL THE TECHNICAL INFORMATION, AND THOSE HAVE BEEN DISTRIBUTED TO PUBLIC AGENCIES, THE LITIGATIONS IN THE COURT CASE, AND MEMBERS OF THE PUBLIC ON A FIRST COME, FIRST SERVE BASIS. THOSE ARE AVAILABLE AT COST FOR ANYBODY ELSE WHO WANTS TO GET A COPY OF THOSE.

SO WITH THAT, THANK YOU.

MR. ROUNTREE: THANK YOU, TOM.

I'D LIKE TO GO AHEAD AND BEGIN ACCEPTING PUBLIC COMMENTS FOR THE ENVIRONMENTAL IMPACT STATEMENT AND ENVIRONMENTAL IMPACT REPORT. FOR THOSE OF YOU WHO JUST CAME IN, IF YOU HAVEN'T ALREADY, PLEASE SIGN IN. ONLY THOSE PEOPLE WHO HAVE SIGNED UP WILL BE PERMITTED TO SPEAK. THERE IS A BOX ON THE SIGN-IN SHEET FOR THOSE OF YOU THAT ARE

INTERESTED, TO CHECK, IF YOU WOULD BE INTERESTED IN SPEAKING. PLEASE DO THAT. EVEN IF YOU DON'T PLAN TO SPEAK THIS EVENING, IF YOU WOULD GO AHEAD AND SIGN IN SO WE CAN HAVE AN ACCURATE ATTENDANCE LIST OF THOSE WHO DID ATTEND THE MEETING THIS EVENING.

THE OFFICIAL REPORTER, CAROLYN PETERSON, WHO IS SEATED TO MY LEFT, IS PREPARING A VERBATIM TRANSCRIPT OF ALL THAT IS GOING TO BE SAID HERE THIS EVENING. IF YOU WISH TO OBTAIN A COPY OF THE TRANSCRIPT, YOU SHOULD MAKE YOUR OWN ARRANGEMENTS WITH HER AT THE CONCLUSION OF THIS MEETING. I BELIEVE THEY'LL BE DONE IN TEN DAYS TO TWO WEEKS.

TO ENSURE A COMPLETE AND ACCURATE RECORD OF THE HEARING, WE ASK THAT ONLY ONE PERSON AT A TIME SPEAK. ONLY THE DESIGNATED PERSON WILL BE ALLOWED TO SPEAK DURING THE HEARING. WE ALSO ASK THAT YOU SPEAK A LITTLE SLOWER SO THAT CAROLYN CAN BE SURE TO GET EVERYTHING YOU SAY DOWN. WE ALSO ASK, IN ORDER TO ENSURE AN ACCURATE HEARING RECORD, THAT YOU STATE YOUR NAME, YOUR ADDRESS AND WHO YOU REPRESENT, IF SOMEONE OTHER THAN YOURSELF.

BECAUSE OF THE NUMBER OF INDIVIDUALS -- AND WE HAVE QUITE A FEW THIS EVENING -- THAT HAVE SIGNED UP TO SPEAK AT THE HEARING, EACH DESIGNATED SPEAKER WILL BE ALLOWED FIVE MINUTES, TO ENSURE THAT ALL PARTIES THAT ARE INTERESTED IN SPEAKING WILL HAVE THE OPPORTUNITY TO DO SO. CHRISTINE ROBERTS, TO MY LEFT, WILL BE FLASHING A SIGN WHEN YOU HAVE ABOUT A MINUTE LEFT IN YOUR PRESENTATION, JUST SO THAT YOU

CAN MAKE YOUR POINTS AND WRAP UP, IF YOU WOULD, PLEASE.

IF TIME IS AVAILABLE AT THE END OF THE HEARING, A PERSON WHO HAS NOT COMPLETED THEIR COMMENTS, THEN WE CERTAINLY WILL MAKE TIME AVAILABLE TO THEM. WE WILL CALL PEOPLE WHO WOULD LIKE TO MAKE ADDITIONAL COMMENTS IN THE ORDER THAT THEY WERE RECEIVED THIS EVENING.

WRITTEN COMMENTS WILL ALSO BE ACCEPTED THIS EVENING, EITHER TO SUPPLEMENT YOUR ORAL COMMENTS OR AS SUBSTITUTES FOR YOUR ORAL COMMENTS. WRITTEN COMMENTS CAN BE SUBMITTED TO ME AT THE END OF THIS MEETING, OR IT CAN BE SENT DIRECTLY TO THE BUREAU'S DISTRICT OFFICE IN RIVERSIDE, AND THE COUNTY PLANNING OFFICE IN RIVERSIDE AS WELL. THE ADDRESSES FOR BOTH THESE AGENCIES' OFFICES ARE AT THE SIGN-UP TABLE, IF YOU WOULD LIKE THOSE AS WELL.

ALL THE WRITTEN COMMENTS THAT ARE RECEIVED PRIOR TO SEPTEMBER THE 17TH, 1996 WILL BE INCLUDED AS A PART OF THE OFFICIAL RECORD. WRITTEN COMMENTS WILL BE GIVEN EQUAL CONSIDERATION TO THE ORAL COMMENTS THAT ARE ACCEPTED TONIGHT AND THAT HAVE BEEN ACCEPTED IN ALL OTHER PUBLIC HEARINGS. AGAIN, FOR THOSE OF YOU WHO WANT TO ORDER A COPY OF THE ORAL PRESENTATION OF TONIGHT'S HEARING, PLEASE SEE THE REPORTER AND MAKE THOSE ARRANGEMENTS.

ARE THERE ANY QUESTIONS REGARDING THE PROCEDURES OF THE HEARING? IF NOT, THEN I WOULD LIKE TO GO AHEAD AND CALL THE FIRST PERSON, RAMON MENDOZA.

BY MR. MENDOZA: THANK YOU.

MY NAME IS RAMON MENDOZA, AND I DO LIVE IN THE DESERT. I HAVE A COUPLE OF ITEMS HERE THAT I'D LIKE TO ACCOUNT FOR.

FIRST OF ALL, THIS CHART WOULD INDICATE A NEED WHICH I'M NOT SURE REALLY EXISTS BECAUSE BETWEEN EAGLE MOUNTAIN AND BOLO, WE'RE LOOKING AT IN EXCESS OF 40,000 TONS PER DAY, AND NONE OF THE COUNTIES AROUND HERE COMBINED COULD EVEN COME UP WITH HALF OF THAT.

THE GENTLEMAN STARTED OUT WITH A SEISMIC ACTIVITY THAT HAS BEEN EVALUATED. I UNDERSTAND FROM U.S.G.S. THAT THEY CAN STILL CONSIDER THAT AN ART FORM, THAT THEIR ABILITY TO MONITOR THE ORIGINATION OF QUAKES IS LIMITED TO ABOUT A THREE-MILE DEPTH, AND WE KNOW THAT THE LANDERS IS ESTIMATED TO HAVE COME UP FROM ABOUT A 10-MILE DEPTH. SO I'M NOT SO SURE WE KNOW EVERYTHING WE NEED TO KNOW ABOUT SEISMIC ACTIVITY. AND THIS PARTICULAR SITE HAS SOME REAL PROBLEMS WITH REGARDS TO SEISMIC ACTIVITY.

17-1

17-2

Response to Comment 17-1

Based upon data presented in the Counties of Riverside, Orange, Los Angeles, San Diego, Santa Barbara, Ventura, and San Bernardino's Draft Siting Elements, 74,460 tons per day of waste were disposed of in 1995 from this seven-county region. Because of the state's mandate to increase waste diversion, this tonnage is expected to decrease to 56,500 tons by the year 2000. Due to increasing population, the amount of tons disposed of would increase to 63,500 tons per day by the year 2000.

Response to Comment 17-2

The seismicity of the site has been characterized through extensive site-specific geologic field characterization activities and seismologic studies. Eight separate reports on these activities and studies have been prepared, as listed in the Response to Comment 17-40 and Appendix H-1 of the Draft EIS/EIR. The results of these studies have been used to predict the characteristics of the design earthquakes and the response of the landfill to the design earthquakes using the best methods currently available to practicing seismologists and earthquake engineers. For example, the analyses are consistent with the most recent relevant publication by EPA (full reference given below).

Two different methods were used to predict the size of the design earthquake: a probabilistic method satisfying federal regulations and a deterministic approach satisfying California regulations. The probabilistic approach includes terms and factors that account quantitatively for the uncertainty inherent in earthquake ground motion predictions. By using a ground motion with a 10 percent probability of not being exceeded in 250 years as the basis for design, the results of the probabilistic analysis are biased away from the expected ("best estimate") value of ground motions and toward a more conservative (i.e., larger) extreme value that incorporates the uncertainty. The deterministic approach is based upon the largest anticipated earthquake and thus is also biased away from the expected value towards a more conservative extreme value. Although the ability of seismologists to predict the size of the next earthquake that will occur on a fault may not be very good, the ability to predict the largest earthquake that could occur on the fault is considered good. Please see also General Response 5.

HE ALSO MADE SOME COMMENTS ABOUT PROTECTION OF THE DESERT TORTOISE, AND THERE'S SOME INDICATION THERE THAT THERE WILL BE SOME MEASURES TAKEN FOR RAVEN CONTROL. I ONLY WOULD LIKE TO POINT OUT THE FAILED RATE AND CONTROL OUT OF

17-3

CALIFORNIA CITY, THE PROBLEMS THERE ARE -- THE ONLY WAY THEY CAN DEAL WITH THE RAVENS IS, THEY HAVE TO GO OUT AND SHOOT THEM. I'M NOT SO SURE THE NATIONAL PARK SERVICE IS PREPARED TO MOUNT THEIR BORDERS WITH RANGERS TO SHOOT RAVENS THAT COULD COME ACROSS AND STAY IN THE NATIONAL PARK, AND THEN HIT THE TORTOISE OUT IN THE EAGLE MOUNTAIN AREA, OR EVEN BEGIN TO START BEING PREDATORS WITH THE TORTOISE IN THE NATIONAL PARK.

THE SAME THING IS TRUE WITH THE CHUCKWALLA. ALL OF THE REPTILES WILL BE AT RISK WITH THE INCREASED ACTIVITY OF RAVENS. AND I WOULD LIKE TO SAY THE SAME THING IS TRUE OF SEA GULLS FROM THE SALTON SEA, WHO ARE KNOWN PREDATORS.

THE E.P.A. HAS HAD HEARINGS RECENTLY REGARDING THE BORDER 21 PROJECT, AND IN THAT IT WAS INDICATED THAT MEXICO DOES NOT HAVE FUNDS TO BEGIN TO START BUILDING LANDFILLS TO HANDLE THE COMMERCE THAT IS MOVING INTO MEXICO, AND THERE WAS

17-4

SOME INDICATION THAT POSSIBLY THAT WASTE WOULD BE BROUGHT BACK TO THIS COUNTRY. I FEEL THAT IF THAT IS TRUE AND THERE WILL BE TRUCKS HAULING WASTE FROM MEXICO, THAT THAT SHOULD BE EVALUATED AS WELL IN THE E.I.R.

Richardson, G. N., E. Kavazanjian, Jr., and N. Matasov, *RCRA Subtitle D (258), Seismic Design Guidance for Municipal Solid Waste Landfill Facilities*, U.S. EPA Document Number EPA/600/R-95/051. April 1995.

Response to Comment 17-3

Please see Response to Comments 1-6, 16-26, and 17-43 and General Responses 3 and 6.

Response to Comment 17-4

The proposed Project, as stated throughout the Draft EIS/EIR, is intended to serve the long-term waste disposal needs of the seven-county region of Southern California. The Project applicant is not seeking and the Project description does not include using the facility for international waste transport or disposal.

FLY CONTROL OVER THE POTENTIAL SEWER SLUDGE THAT COULD COME INTO THAT PARTICULAR LANDFILL, BECAUSE SEWER SLUDGE IS CLASS 3 WASTE, ALL I CAN SAY IS GO TO THE TORRES 17-5 MARTINEZ RESERVATION AND TAKE A LOOK AT THE PROBLEM THEY HAVE WITH THE FLIES. I'M NOT SURE WHAT IMPACT THAT WOULD HAVE ON THE WILDLIFE AND ET CETERA, BUT I DO THINK THAT'S SOMETHING THAT NEEDS TO BE EVALUATED.

FOR MY FINAL STATEMENT, I WOULD LIKE TO MAKE THE 17-6 COMMENT THAT LANDFILLS ARE 19TH CENTURY TECHNOLOGY. WE CURRENTLY HAVE THE ABILITY TO BUILD CLOSED-LOOP BURNER SYSTEMS WHICH ARE AVAILABLE RIGHT NOW, STATE OF THE ART, THROUGH DENMARK, AND THOSE SYSTEMS CAN BE RETROFITTED TO USE WATER AS A FUEL, TOTALLY ENVIRONMENTALLY-SAFE, AND IT WOULD REDUCE THE IMPRINT OR THE NEED FOR SUCH A SITE.

AND AGAIN, AS I MENTIONED, BETWEEN BOLO AND EAGLE MOUNTAIN, THERE IS A CUMULATIVE EFFECT OF OVER 40,000 TONS PER DAY THAT WOULD TO BE TRANSPORTED TO THESE TWO SITES. IT SEEMS TO ME THAT ONE OF THE THINGS THAT THE BLM NEEDS TO 17-7 EVALUATE IS THE CUMULATIVE EFFECT AND THE LACK OF TECHNOLOGY THAT IS BEING PROPOSED FOR THESE VARIOUS SITES.

THANK YOU.

(APPLAUSE.)

MR. ROUNTREE: THANK YOU, MR. MENDOZA.

Response to Comment 17-5

As noted on page 4.2-3 of the Draft EIS/EIR, sewage sludge will not be accepted for disposal at the proposed Project site. In addition, as discussed further in Section 4.2, standard operational procedures (e.g., application of daily cover material) are expected to provide inherent mitigation of any potential vector problems including flies. Also see Appendix Q.

Response to Comment 17-6

A wide range of alternatives was considered in preparing the Draft EIS/EIR for this Project. Some alternatives were eliminated from detailed consideration, while others were carried forward for detailed analysis in the Draft EIS/EIR. Generally, alternatives were eliminated from detailed analysis if it was determined that they would not meet the purpose and need for the Project. Please refer to Section 2.8 of the Draft EIS/EIR for a detailed discussion of the reasons for eliminating particular alternatives, including waste diversion and landfill mining. As discussed in that section of the Draft EIS/EIR, these alternatives complement the proposed action but are not feasible "alternatives" for NEPA/CEQA purposes. Also see General Response 2.

Response to Comment 17-7

The potential for cumulative impacts of the proposed Project in conjunction with other desert landfill projects, including the Rail Cycle-Bolo Station project, are discussed in detail in Section 5.4.2 of the Draft EIS/EIR.

BETTY SAUNDERS.

BY MS. BETTY SAUNDERS: MY NAME IS BETTY SAUNDERS. I'M NEW TO THE DESERT, ALMOST THREE YEARS, AND I LOVE IT.

THE THOUGHT OF -- WELL, LET'S SEE. OUR MORONGO BASIN IS BEING -- I HAVE BEEN TOLD CONVICTS ARE BROUGHT UP HERE AND LET LOOSE. WE HAVE TWO DUMPS. ARE WE JUST A 17-8 DUMPING GROUND? WE HAVE BOLO TO LOOK AT, AND WE WILL HAVE THIS ONE.

OH, I WANTED TO SAY THE MAN WHO DID THE PRESENTATION, MR. ROUNTREE, DID A BEAUTIFUL JOB. I WOULDN'T WANT HIS JOB. BUT -- I'M SORRY. I THOUGHT THE FELLOW WHO PRESENTED IT -- THANK YOU. OKAY.

THE THOUGHT OF 40,000 TONS A DAY WITH THE COMBINATION OF THE TWO DUMPS IS HORRIBLE; IT SHOULDN'T BE DONE TO ANYONE, ANYWHERE. IF THESE CITIES, OR COUNTIES, THE SEVEN COUNTIES THAT ARE GOING TO BE BRINGING THEIR WASTE UP HERE, CAN'T THEY LEARN TO RECYCLE THEIR OWN THINGS? CAN'T THEY LEARN TO MAKE THEIR OWN COMPOST? THEN IT WOULD CERTAINLY MAKE A SMALLER AMOUNT OF TRASH, WASTE, GARBAGE.

I CAN'T READ MY OWN WRITING. THE RECYCLING CENTERS, YES. MEXICO'S WASTE, AND THEY'RE USING THE 17-9 PESTICIDES THAT WE ARE NOT SUPPOSED TO USE, WOULD BE GOING INTO OUR OWN LANDS. I BELIEVE THERE'S WATER TABLE DOWN THERE, AND IT'S KNOWN THAT THE THINGS THEY USE TO LINE THE 17-10 DUMPS WITH DO EVENTUALLY GO THROUGH.

I JUST DON'T UNDERSTAND, TWO DUMPS IN ONE AREA. GOODNESS, THAT'S A LOT OF IT. SEISMIC EFFECT IMPACT? 17-11 TOWNSITE ACCUMULATION. KAISER LANDFILL, WHAT IS KAISER'S

Response to Comment 17-8

Comment acknowledged.

Response to Comment 17-9

See Response to Comment 17-4.

Response to Comment 17-10

The landfill design described in Section 2.1.5 and Appendix C-3 of the Draft EIS/EIR includes multiple redundant and complementary systems to prevent landfill impacts on groundwater quality. These systems include the following: (1) liner system; (2) leachate collection and removal system; (3) unsaturated zone liquid and gas monitoring systems; (4) final cover system; (5) active gas extraction system; (6) groundwater monitoring system; and (7) surface water monitoring system. The effectiveness of these systems will be further enhanced by the arid site conditions, which will result in negligible long-term leachate generation, as described in Section 4.1.2.1 and Appendices C-3 and C-5 of the Draft EIS/EIR. In addition, landfill operational practices, including closure and postclosure maintenance activities, will be conducted, as described in Sections 2.1.7 and 2.1.9 of the Draft EIS/EIR, in a manner to further minimize the potential for leachate generation. The combined influence of the design features, arid site conditions, and operational practices will result in a facility that is fully capable of protecting the groundwater in the vicinity of the landfill. It is also relevant to review the position of the EPA with respect to just one component of the integrated system of engineering features described above. In Section IV.D of the preamble to the "Subtitle D" municipal solid waste liner system regulations (56 FR 51009), the agency provided the following position on the basic "Subtitle D" liner system, which is one component of the Eagle Mountain landfill design: *"The composite liner system is designed to be protective in all locations, including poor locations."* See also General Response 5.

Response to Comment 17-11

Comment acknowledged.

LANDFILL? ALSO, THIS NEWS RELEASE DOESN'T SAY A THING ABOUT THE PRISTINE OR THE PRIMITIVE AREA THAT IT'S GOING INTO.

SO THANK YOU VERY MUCH.

(APPLAUSE.)

MR. ROUNTREE: THANK YOU, MS. SAUNDERS.

IONA CHELETTE.

BY MS. IONA CHELETTE: I AM IONA CHELETTE FROM JOSHUA TREE. I HAVEN'T ALWAYS REFERRED TO MYSELF THAT WAY. AT FIRST I CONSIDERED MYSELF AN OLD LEFT-OVER POLITICAL ACTIVIST TURNED ENVIRONMENTALIST, BUT THE MORE I FOUND OUT, THE MADDER I GOT. SO I FEEL LIKE A MEDIEVAL AVENGING ANGEL TRYING TO PROTECT HER HOME AND LAND AND FAMILY.

THIS IS BECAUSE THE PROPOSALS PENDING, EVEN IF DELAYED, FOR THREE MUNICIPAL WASTE DUMPS, BOLO, EAGLE MOUNTAIN AND MESQUITE, TWO HAZARDOUS WASTE STORAGE SITES, BROADWELL AND HIDDEN VALLEY, AND THE NATION'S LOW-LEVEL NUCLEAR DUMP AT WARD VALLEY, FOR A TOTAL OF FIVE LANDFILLS PROPOSED WITHIN A 200-MILE RADIUS OF JOSHUA TREE NATIONAL PARK.

THIS IS CONSIDERABLY MORE THAN THE DESERT RESIDENTS' FAIR SHARE OF RESPONSIBILITY FOR STORING THEIR OWN WASTE, OR EVEN THE NATION'S WASTE. THE DESERT IS NO MORE SUITABLE FOR DUMPING THAN ANY OTHER AREA IN THIS NATION, YET OUR SOUTHEASTERN CALIFORNIA DESERTS HAVE BEEN SINGLED OUT AS EXPENDABLE.

SOME OF US ARE BEGINNING TO BELIEVE THAT THERE'S A CONNECTION BETWEEN OUR REPUBLICAN CONGRESSMEN LEADING THE PACK TO DESTROY THE E.P.A. AND THE E.S.A. IN WASHINGTON, ARE INVITING INTO OUR AREA THE PROFITEERS WHO HAVE TARGETED OUR AREA IN THE LAST 10 YEARS.

17-12

17-13

Response to Comment 17-12

The commenter is referred to Section 4.11 of the EIS/EIR for a complete discussion of wilderness issues.

Response to Comment 17-13

Comment acknowledged.

LANDFILLS ARE A BAD IDEA, AND THAT MAKES MEGADUMPS AN EVEN WORSE IDEA. THERE'S NO SAFE DISPOSAL FOR THE VAST AMOUNTS OF WASTE WE CREATE IN OUR THROW-AWAY SOCIETY, AND LANDFILLS ARE THE MOST OUTDATED AND DANGEROUS OF THE DISPOSAL METHODS. LANDFILL OPERATORS PROMOTE A MYTH WHEN THEY ATTEMPT TO MARKET A SAFE LANDFILL. THE VERY INSTRUMENTS WHICH THEY PROMISE WILL ADVISE US WHEN A LANDFILL BEGINS TO LEAK ARE ONE OF THE MAJOR CAUSES OF COMPROMISE OF THE LANDFILL LINERS -- 17-14

WHICH EVEN THEIR MANUFACTURERS STATE ARE INADEQUATE TO PROTECT THE EARTH FROM LEACHATE OVER TIME.

WHAT DOES IT MEAN TO KNOW WHEN A LANDFILL BEGINS TO LEAK? THERE'S NO KNOWN REMEDIATION FOR GROUNDWATER CONTAMINATION, JUST AS THERE'S NO REPLACEMENT FOR PLANTS AND ANIMALS WHICH HAVE BEEN HARASSED INTO EXTINCTION BY MAN AND MAN'S METHODS.

YES, IT IS BETTER TO HAVE MANY SMALLER WASTE STORAGE FACILITIES UNDER LOCAL GOVERNMENTAL CONTROL, AND THUS ACCOUNTABLE TO THE PEOPLE WHO LIVE AND VOTE NEAR THE TRASH THEY PRODUCE. THE PEOPLE WHO CREATE THE TRASH BEAR RESPONSIBILITY FOR IT AND ARE ONLY LIKELY TO ACCEPT THE RESPONSIBILITY THEY BEAR IF THE WASTE THEY CREATE REMAINS IN THEIR OWN BACKYARDS AS AN INCENTIVE TO REDUCE, RE-USE AND RECYCLE RATHER THAN BEING SHIPPED OUT OF SIGHT TO POLLUTE AN ENTIRE ECOSYSTEM. 17-15

Response to Comment 17-14

See General Response 5. In reference to remediation at the site, the comment is incorrect. No groundwater remedial action is anticipated as a result of the proposed Project. See Section 4.1.2 of the Draft EIS/EIR, Significance after Mitigation.

Response to Comment 17-15

Comment acknowledged.

WE HAVE BETTER METHODS FOR DEALING WITH OUR WASTE, EVEN AT OUR CURRENT TECHNOLOGICAL LEVEL. WE DO NOT HAVE TO PUT OUR TRASH "SOMEWHERE," AS LANDFILL PROPONENTS CLAIM. WE DO NOT HAVE TO PUT IT ANYWHERE. LANDFILL PROPONENTS ARE LACKING IN IMAGINATION IN OUR COUNTRY, UNLIKE THE JAPANESE PEOPLE WHO CREATED, AFTER WORLD WAR II, AN ENTIRE AUTOMOBILE INDUSTRY OUT OF MILITARY DETRIUS ABANDONED BY AMERICANS IN VIET NAM.

EVEN IF WE AGREED THAT IMMEDIATELY WE NEEDED AND WANTED THIS DUMP FOR DESERT RESIDENTS, DO WE REALLY WANT TO DO BUSINESS WITH THESE PEOPLE? IT DOESN'T INSPIRE ME THAT KAISER TRUCKS IN BUSLOADS OF PEOPLE IN LITTLE WHITE HATS TO COMPLAIN ABOUT THEIR PENSIONS AND THE FACT THAT THEY'VE BEEN ABANDONED BY THE COMPANY FOR WHICH THEY WORKED.

THIS ISN'T ACTUALLY THAT ATYPICAL FOR SOME OF THE LANDFILL COMPANIES. AS OF 1990, ALMOST A DECADE AGO, THERE WERE OVER 200 MUNICIPAL WASTE DUMPS AWAITING CLEANUP ON THE SUPERFUND PRIORITY LIST, AND A SHOCKING NUMBER OF THOSE CONTRACTS FOR CLEANUP ARE BEING GIVEN TO THOSE SAME COMPANIES, OR THEIR PARENT OR AFFILIATE, WHICH CREATED THE TOXIC PROBLEM THEY'RE BEING PAID TO CLEAN UP.

THE ECONOMICS OF LANDFILLING NEVER OFFSET THE COSTS OF CLEANUP WHICH ARE BORNE BY THE PUBLIC. LANDFILL OPERATORS TAKE THE LOW ROAD LOW; THEY USE THE LOW INVESTMENT, MAXIMUM RETURN "CAT BOX" METHOD OF LANDFILLING RATHER THAN USING THEIR RESOURCES TO DEVELOP RECYCLING TECHNOLOGY. MOST OF THEM HAVE BEEN INVOLVED ENVIRONMENTAL REGULATION VIOLATIONS,

17-16

Response to Comment 17-16

Because the comment is not focused on any Project-specific technical, regulatory, or procedural issue, no comment is required.

AND EVEN VIOLATION OF THEIR CONTRACTUAL OBLIGATIONS. BUT WE CAN'T BLAME THEM TOO FOR MUCH FOR THAT, BECAUSE LANDFILLS ARE SUCH BAD PROJECTS IN SUCH A TROUBLED INDUSTRY THAT THEY CANNOT BE MANAGED WITHOUT INCURRING THESE LIABILITIES. SO THE LANDFILL FAILURES ARE TREATED AS JUST ANOTHER COST OF DOING BUSINESS BY THEIR OPERATORS.

THE PUBLIC IS PART OF THE ENVIRONMENT WHICH WILL BE EXPOSED TO THE EFFECTS OF THESE LANDFILLS. THEY WILL BE EXPOSED TO PUBLIC HEALTH EFFECTS AND LOWERED EXPECTATIONS FOR MORE POSITIVE ECONOMIC DEVELOPMENT IF THIS AND THESE OTHER PROJECTS ARE REALIZED. THE PUBLIC DOES NOT WANT THIS PROJECT AND THEY'VE REPEATEDLY DEMONSTRATED THIS. FOR INSTANCE, I LEARNED JUST THIS EVENING WHEN THE CHARPIEDS AND THE CITY OF COACHELLA VALLEY JOINED IN THE LAWSUIT IN 1992 AGAINST THE PROJECT.

IF THE RIVERSIDE COUNTY SUPERVISORS EXERCISE THE SAME MANDATE THAT THE SAN BERNARDINO COUNTY SUPERVISORS DID EARLIER THIS YEAR, THEY WILL RECEIVE THE SAME RESULT: NO BOLO, AT LEAST NOT TEMPORARILY, AND TWO SUPERVISORS REPLACED IN THIS YEAR'S ELECTIONS.

THE FINAL CONSIDERATION IS THAT SOONER OR LATER WE ARE GOING TO HAVE TO ASK OURSELVES SIMPLY, CLEARLY AND TRUTHFULLY, WHETHER IT'S RIGHT OR WRONG TO CONTINUE DEGRADING THE EARTH, BECAUSE IF WE CONTINUE TO DEGRADE THE EARTH, WE WON'T BE ABLE TO LIVE ON IT ANY LONGER.

THANK YOU

(APPLAUSE.)

MR. ROUNTREE: THANK YOU, MS. CHELETTE.

IDA FOREMAN-FICK:

BY MS. IDA FOREMAN-FICK: HELLO. MY NAME IS IDA FOREMAN-FICK. I AM SPEAKING FOR THE CONSERVATION LAW PROJECT, SPECIFICALLY BRYAN HOUSE, WHO IS THE WESTERN 17-17 DIRECTOR OF THE NATIONAL PARKS AND CONSERVATION ASSOCIATION WING OF THE CONSERVATION LAWSUIT PROJECT.

THESE COMMENTS ARE SUBMITTED ON BEHALF OF THE CONSERVATION LAW PROJECT AND OUR CLIENT, NATIONAL PARKS AND CONSERVATION ASSOCIATION. NPCA IS A CITIZEN ORGANIZATION DEDICATED SOLELY TO PROTECTING, PRESERVING AND ENHANCING THE NATIONAL PARK SYSTEM. WITH OVER 450,000 MEMBERS NATIONWIDE, NPCA COMBINES NATIONAL ADVOCACY WITH GRASSROOTS ACTIVISM TO RESPOND QUICKLY AND EFFECTIVELY TO THE EVER-INCREASING THREATS TO OUR OR NATIONAL PARKS.

AS THE NATION'S LARGEST PROPOSED SOLID WASTE LANDFILL -- SLATED TO PROCESS OVER 20,000 TONS OF TRASH EACH DAY FOR OVER 100 YEARS IN THE HEART OF A UNIQUE DESERT HABITAT ALONG THE BORDER OF JOSHUA TREE NATIONAL PARK -- THE EAGLE MOUNTAIN MEGA-LANDFILL WILL DEVASTATE CRITICAL HABITAT FOR THE DESERT'S ENDANGERED SPECIES AND RUIN VAST ACRES OF JOSHUA TREE'S WILDERNESS AREA BY IMPOSING EXCESSIVE NOISE AND NIGHT-LIGHTING CAUSED BY 24-HOUR OPERATION OF THE LANDFILL. YET THE LATEST D.E.I.S./E.I.R. FAILS TO DISCLOSE THESE DEVASTATING IMPACTS.

LONG RECOGNIZED AS AN AREA OF NATIONAL SIGNIFICANCE, THE VAST CALIFORNIA DESERT BOASTS SUPERLATIVE

Response to Comment 17-17

As a result of the analyses conducted for the Draft EIS/EIR, there is no evidence that the proposed Project will "devastate critical habitat" or "ruin vast acres" of wilderness areas. The commenter is referred to responses to specific comments (including Comments 28-114 through 28-130 on noise and nightlighting impact and General Responses 3 and 6).

NATURAL BEAUTY AS WELL AS UNIQUE HABITAT FOR MANY ANIMAL AND PLANT SPECIES ENDEMIC ONLY TO THE DESERT ECOSYSTEM. THE ESTABLISHMENT OF JOSHUA TREE NATIOINAL MONUMENT IN 1936 MARKED CONGRESS' FIRST STEP IN ESTABLISHING LONG-TERM FEDERAL PROTECTION FOR THIS DESERT TREASURE. RECOGNIZING THAT CERTAIN FEDERAL LANDS OF ESSENTIAL NATURAL AND ECOLOGICAL VALUE REMAINED UNPROTECTED, CONGRESS ENACTED THE 1994 CALIFORNIA DESERT PROTECTION ACT (CDPA), WHICH, AMONG OTHER THINGS, INCREASED PROTECTION FOR OVER 8.5 MILLION ACRES OF FEDERAL LAND THROUGH THE CALIFORNIA DESERT.

CHIEF AMONG THE REASONS FOR ENACTING THE CDPA, CONGRESS CITED THE NEED TO PROTECT CALIFORNIA'S UNIQUE DESERT ECOSYSTEM FROM INCOMPATIBLE DEVELOPMENT AND INCONSISTENT USES OF ADJACENT LANDS. THUS, THE CDPA ELEVATED JOSHUA TREE NATIONAL MONUMENT TO A NATIONAL PARK STATUS AND SUBSTANTIALLY EXPANDED THE NEW PARK'S BOUNDARIES. 17-18

DESPITE YEARS OF PLANNING, HUNDREDS OF PAGES OF COMMENTS FROM THE PARK SERVICE AND A CALIFORNIA SUPERIOR COURT ORDER, BLM AND THE COUNTY HAVE FAILED TO ADDRESS THE SIGNIFICANT ENVIRONMENTAL IMPACTS OF THE LANDFILL ON JOSHUA TREE IN CLEAR VIOLATION OF NEPA AND CEQA. THE DRAFT E.I.S./E.I.R. ENTIRELY OMITS THE PARK FROM NEARLY EVERY AREA MAP -- INTENTIONALLY HIDING THE PROXIMITY OF THE PARK AND ITS VULNERABLE RESOURCES THE DRAFT E.I.S./E.I.R. DENIES THAT THE LANDFILL WILL ADVERSELY IMPACT ON THE FRAGILE DESERT FLORA AND FAUNA. AND, CITING THE LOW NUMBER OF PARK VISITORS IN THE PARK'S OPEN SPACE AND ADJACENT WILDERNESS AREAS, THE DRAFT E.I.S./E.I.R. DENIES ANY IMPACT ON VISITOR EXPERIENCE.

Response to Comment 17-18

The proximity of JTNP lands to the proposed Project has been described consistently and frequently throughout the Draft EIS/EIR both graphically and textually. With regard to the generalizations pertaining to Draft EIS/EIR inadequacies, the commenter is referred to responses to the total comments in Volume II of the Final EIS/EIR and General Comment 3.

MOREOVER, THE DRAFT E.I.S./E.I.R. DOES NOT ADEQUATELY DISCUSS THE NEWLY-ENACTED CDPA AND THE PROJECT'S POTENTIAL IMPACT ON THE GOALS OF THAT ACT.

NATIONAL PARKS, SUCH AS JOSHUA TREE, ARE SET ASIDE BY CONGRESS AS AREAS MERITING THE UTMOST PROTECTION AND PRESERVATION IN ORDER TO CONSERVE THEIR NATURAL AND HISTORIC RESOURCES FOR FUTURE GENERATIONS. FOR MANY YEARS, THE PHYSICAL ISOLATION OF THE PARKS WAS THEIR GREATEST DEFENSE AGAINST EXTERNAL PRESSURES ON PARK RESOURCES. HOWEVER, AS NATURAL HABITAT AND OPEN SPACE FALLS TO EXPANDING HUMAN POPULATION, THE NATIONAL PARKS' ROLE AS BIOLOGICAL SANCTUARIES BECOMES EVEN MORE MANY EVER MORE CRITICAL. TODAY, INCOMPATIBLE LAND USES ARE THE PRIMARY THREAT TO THE PARK SERVICE'S ABILITY TO PRESERVE PARK RESOURCES AND TO PREVENT THE DESTRUCTION OF WILDLIFE AND OTHER NATURAL RESOURCES. 17-19

THE PROPOSED EAGLE MOUNTAIN LANDFILL PROJECT IS A PRIME EXAMPLE OF THE MANY PROJECTS THROUGHOUT THE UNITED STATES THAT THREATEN THE NATURAL INTEGRITY AND CULTURAL SIGNIFICANCE OF OUR NATIONAL PARKS SYSTEM. YELLOWSTONE NATIONAL PARK IS THREATENED BY THE PROPOSED NORANDA GOLD MINE. THE PROPOSED MINE, LOCATED JUST THREE MILES UPSTREAM FROM YELLOWSTONE'S BORDER, WILL PRODUCE 5.5 MILLION TONS OF TOXIC WASTE TO BE STORED ALONG THE BANKS OF PRISTINE RIVERS LEADING TO THE HEART OF THE PARK. THE MINING OPERATION WILL THREATEN THE QUANTITY AND QUALITY OF YELLOWSTONE'S RIVERS AS WELL AS BRING ROADS AND INDUSTRIALIZATION TO AN AREA OF AREA OF PRIME HABITAT FOR GRIZZLY BEARS AND OTHER WILDLIFE.

Response to Comment 17-19

We concur that JTNP is an important national resource that deserves special consideration and protection. For this reason, the NPS has been involved as a cooperating agency from the outset of the Draft EIS/EIR process. As documented in the Draft EIS/EIR, the proposed Project does not represent a land use that is incompatible with the adjacent JTNP.

THE NATIONAL PARKS SUFFER GREATLY FROM INADEQUATE
17-20 AND SHORT-SIGHTED LAND-USE PLANNING. DECADES OF EXCESSIVE
WATER CONSUMPTION, POLLUTION AND DRAINING IN FLORIDA'S
EVERGLADES NATIONAL PARK HAS DEVASTATED THIS FAMOUS
SUBTROPICAL WETLAND. THIS CRITICAL THREAT RECENTLY PROMPTED
THE PRESIDENT TO INVEST $200 MILLION TOWARDS THE RESTORATION
OF THE NATURAL ECOSYSTEM. UNFORTUNATELY, THIS FUNDING
REPRESENTS JUST A FRACTION OF THE ANTICIPATED COST TO CORRECT
THE EFFECTS OF LONG-TERM INCOMPATIBLE ADJACENT LANDS USES.

COMBINED, THESE AND OTHER SIMILAR PROJECTS THREATEN
TO DISMANTLE OUR NATION'S MOST PRISTINE AND VALUED NATURAL
PLACES. PRESERVATION OF JOSHUA TREE NATIONAL PARK SHOULD NOT
BE SACRIFICED FOR THE SHORT-TERM INTERESTS OF A PRIVATE
SOLID-WASTE LANDFILL OWNER. BLM AND THE COUNTY OWE A DUTY
UNDER THE LAW TO THE PUBLIC AND TO THE CONGRESS, TO PRESERVE
OUR NATIONAL PARKS UNIMPAIRED FOR FUTURE GENERATIONS.

IN CLOSING, CLP AND NPCA WOULD LIKE TO REITERATE
OUR REQUEST FOR ADDITIONAL PUBLIC HEARINGS ON THE DRAFT
E.I.S./E.I.R. DUE TO EXTENSIVE DELAYS IN THE DISTRIBUTION OF
THE D.E.I.S./E.I.R. AND THE TWO LARGE APPENDICES, THE PUBLIC
17-21 HAS BEEN GIVEN INADEQUATE TIME TO REVIEW THE COMMENT ON THE
DRAFT AND TO PARTICIPATE IN THE SCHEDULED PUBLIC HEARINGS ON
THIS CONTROVERSIAL PROJECT. IN ACCORDANCE WITH THE MANDATE
OF NEPA AND CEQA, AN EXTENSION OF TIME TO COMMENT AND
ADDITIONAL PUBLIC HEARINGS WILL CONTRIBUTE TO A GREATER LEVEL
OF PUBLIC UNDERSTANDING OF THE PROPOSED PROJECT -- A PROJECT
THAT HAS GENERATED AN IMMENSE LEVEL OF PUBLIC CONCERN.

Response to Comment 17-20

Because the comment does not focus on any Project-specific technical, regulatory, or procedural issue, no response is required.

Response to Comment 17-21

BLM has complied fully with its obligation to provide the public with a reasonable opportunity to review and comment on the Draft EIS/EIR. On July 12, 1996, the EPA published an announcement in the *Federal Register* stating that the Draft EIS/EIR was available for review and indicating the dates of the public hearings. Immediately after the release of the Draft EIS/EIR, BLM published a similar announcement in local newspapers. Copies of the Draft EIS/EIR were mailed out to individuals beginning on July 5, 1996, and many individuals received their copies well before the hearing

THANK YOU FOR YOUR CONSIDERATION.

(APPLAUSE.)

MR. ROUNTREE: THANK YOU.

FOLKS, I WOULD ASK THAT YOU WOULD STICK TO THE TIME, JUST IN ORDER TO GIVE EVERYONE A CHANCE TO SPEAK THIS EVENING.

DAVID FICK.

BY MR. DAVID FICK: HELLO, MY NAME IS DAVID FICK. I LIVE IN JOSHUA TREE. I'M ALSO EXECUTIVE DIRECTOR OF THE DESERT ENVIRONMENTAL RESPONSE TEAM. I'LL BE SUBMITTING SOME WRITTEN COMMENTS TO YOU LATER. I WON'T BE AS EMPHATIC AS MY WIFE, BUT I HAVE SOME EVEN MORE EMOTIONAL FEELINGS ABOUT THIS SITUATION. THERE ARE MANY THINGS I WANT TO ADDRESS.

17-22

THE FIRST ONE IS THE HEARING YESTERDAY AT PALM SPRINGS. I WAS THERE, I DID MAKE PUBLIC COMMENT, BUT THERE I WITNESSED APPROXIMATELY, MY GUESS IS OUT OF A CROWD OF ABOUT 200, OF WHICH 150 WERE BUSSED IN. WE HAVE AN EQUAL NUMBER OF CROWD HERE WITHOUT THE BUSED-IN WHITE HATS.

SPEAKING OF WHITE HATS, I NORMALLY WOULDN'T ADDRESS OTHER PEOPLE IN THESE HEARINGS WHO AREN'T DIRECTLY INVOLVED IN IT. AND ACTUALLY, THEY SHOULD NOT BE DIRECTLY INVOLVED IN IT BECAUSE THEY ARE BRINGING TO YOU WHAT WOULD BE A DOMESTIC SITUATION BETWEEN KAISER AND ITS EMPLOYEES. AND WHAT'S HAPPENED IS, SOME OF THESE PEOPLE WEARING WHITE HATS ARE PENSIONERS -- MY HEART GOES OUT TO THEM AS FAR AS WHAT KAISER DID TO THEM -- BUT SOME OF THEM MADE COMMENTS THAT IT BE VERY NEAR HOME.

I WAS RAISED IN MONTCLAIRE, CALIFORNIA IN THE EARLY

dates. BLM held the first public hearing on August 5, 1996. This schedule was consistent with established BLM policy, which states that a public meeting generally should be held no sooner than 15 days after publication of the Notice of Availability. Furthermore, by holding the meetings on four different nights at four different locations, BLM provided a reasonable opportunity for interested members of the public to attend. Finally, any members of the public who could not attend any of the public meetings are not precluded from commenting, because all individuals and groups have an opportunity to submit written comments.

Response to Comment 17-22

Neither CEQA nor NEPA restricts or specifies what members of the public may or may not review, comment upon, or otherwise be involved in EIS/EIR proceedings. As to the comment pertaining to the Kaiser Steel Fontana facility, because the comment does not focus on any Project-specific technical, regulatory, or procedural issues, no response is required.

'50S. MY FATHER WAS THE FIRST MAYOR OF MONTCLAIRE. MONTCLAIRE IS A TOWN ADJACENT OR NEAR ADJACENT OR 10 OR EIGHT MILES FROM FONTANA. FONTANA HAD THE KAISER STEEL MILL. MANY OF THOSE PEOPLE SAID THAT KAISER WAS ENVIRONMENTALLY-FRIENDLY, EVEN WITH THE STEEL MILL AND EAGLE MOUNTAIN. I, AS A YOUNG WITNESS THEN, CAN TESTIFY TO THE FACT THAT IF WE WERE LUCKY, WE COULD SEE THE MOUNTAINS BECAUSE THE EL CAJON PASS TOOK MOST OF THE AIR AWAY. BUT ABOUT A THIRD OF THE TIME WE WERE UNLUCKY, WE COULDN'T SEE THE MOUNTAINS.

THE SAME PERSON THERE WITH THE WHITE HAT HAD SAID THAT THEY WERE A BIG HAPPY FAMILY. THEY MIGHT HAVE BEEN WORKING AT THE STEEL MILL, BUT IF YOU WERE BACK THEN ASKING THE VINEYARD OWNERS -- THERE WAS A THRIVING VINYARD BUSINESS IN THE ENTIRE AREA, ETIWANDA, FONTANA, RANCH- -- WELL, CUCAMONGA AND ALL THOSE AREAS HAD A THRIVING AGRICULTURAL BUSINESS. SUBURBAN CRAWL GOT THE ORANGE GROVES. THE VINYARD INDUSTRY WAS DECIMATED BY THE STEEL FACTORY. THE STEEL FACTORY WAS PROBABLY RESPONSIBLE FOR 20-TO-30 PERCENT OF ALL THE SMOG PRODUCED IN THAT AREA. AT LEAST. SO IT WASN'T VERY FRIENDLY TO US OUT THERE.

ANOTHER COMMENTS I HAVE TO MAKE ARE REGARDING RAIL CYCLE. NOW, RAIL CYCLE AND EAGLE MOUNTAIN DO HAVE SIMILARITIES. I WOULD LIKE TO SAY THAT EAGLE MOUNTAIN HAS THE SAME UNMITIGATED PROBLEMS THAT RAIL CYCLE HAS, BOTH WITH GROUNDWATER POLLUTION AND AIR POLLUTION. IT HAS -- OF

17-23

Response to Comment 17-23

Lacking a specific issue, it is not possible to draft a response to the "unmitigated problems" mentioned by this comment.

COURSE, BOLO WAS LESS THAN 60 PERCENT THE FINAL SIZE THAN EAGLE MOUNTAIN IS. AND ALSO, BOLO WASN'T ADJACENT TO A NATIONAL PARK, SUCH AS EAGLE MOUNTAIN.

THE LINER DESIGNED FOR BOLO WAS NOT NEAR AS COMPLEX IN THE STRESS FACTORS. THEY HAD PRETTY MUCH A FLAT AREA TO WORK WITH. BUT IT WOULD HAVE ALSO FAILED. I'M NOT GIVING TO MUCH CREDIT TO THAT SITUATION.

THE STRESS FACTORS FOR THE EAGLE MOUNTAIN LANDFILL ARE FAR GREATER BECAUSE THEY'RE TRYING TO PUT IN LINERS ON AN INCLINE WHICH, SOME OF WHICH HAVE BEEN UNPROVEN, AND WHICH
17-24 ARE ALSO PROBABLY, FROM WHAT I UNDERSTAND, GIVEN A DEEPER DEPTH AT 400 FEET, WHICH IS WHAT BOLO WAS GOING THROUGH. BOLO HAD FAR MORE RESOURCES TO PROMOTE ITS DUMP THAN EAGLE MOUNTAIN DOES. KAISER VENTURES AND, I GUESS, MRC DON'T HAVE NEAR THE DEEP POCKETS OR, DARE I SAY, THE BRAIN TRUST W.M.X. HAS TO PROMOTE ITS DUMP.

AND THE BOLO RAIL CYCLE, LOOKING AT THE SIMILARITY, WAS DEFEATED IN A TAX VOTE. THE QUESTION PERTAINING TO THAT IS, WHAT CONDITIONS EXIST THAT WOULD NOT PUT THIS BUSINESS
17-25 AGREEMENT BETWEEN THE COUNTY, RIVERSIDE COUNTY AND THE PROPONENT TO USE THE (INAUDIBLE) FOR THE E.I.R. THEY ALSO DID NOT COVER ALTERNATIVES, AS I WOULD LIKE TO. THEY DID NOT INCLUDE THE USE OF THE. HIGHWAY, COMPOSTING, LAND, BEACH, THE ECO SYSTEM. THEY DID NOT INCLUDE THE FACTORS THE WOULD INCREASE OR THEY DID INCLUDE THE FACTORS THAT WOULD HAVE VOIDED GROUNDWATER MITIGATION -- VOID IF THE LANDFILL MINING

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IS USED ON THE COUNTY'S DUMPS.

Response to Comment 17-24

The liner system has been designed to perform under the stresses that will be imposed by the waste mass and the landfill cover. The slopes (inclines) on which the liner system will be placed were fully considered in evaluating these stresses. Extensive calculations of these stresses were performed during preparation of the ROWD. Specifically, calculations were performed for the slope stability analyses described in Section 8 of the ROWD. Appendix K of the ROWD provides extensive information on the stresses that will occur at the bottom of the landfill.

The stresses generated by the landfill were fully considered in the landfill design. One example of this fact is that, as described in Section 2.1.5.1 of the Draft EIS/EIR, a geotextile cushion layer will be placed over the HDPE geomembrane component of the liner system in all areas of the landfill to protect the geomembrane from the materials in the overlying leachate collection and removal system. This geotextile was selected specifically to limit the liner system stresses on the landfill slopes. Another example is that interface strength tests of the liner system components were performed at normal stresses up to 40,000 pounds per square foot. This normal stress corresponds to a depth of waste and daily cover of approximately 600 feet. Please see also General Response 5.

Response to Comment 17-25

It is unclear what specific issues the commenter is referencing. Lacking a specific issue, it is not possible to draft a response to this comment.

ANOTHER IRATE THING I'M BOTHERED BY IS THE ORE PITS ARE NOT BEING FILLED BY THIS DUMP. 15 PERCENT OF THE ORE PITS ARE BEING FILLED, CONTRARY TO WHAT MRC IS SAYING AND TO THE ACTUAL CONCEPT OF MINE RECLAMATION, AS THEY SAY THEY ARE DOING. I ALSO WOULD NOT LIKE TO SEE THE ALLEGED KAISER LAND TRADED FOR THE BLM LAND, BECAUSE KAISER'S LAND SHOULD BE LOOKED INTO, IF IT IS THEIR LAND AT ALL.

AND I'D ALSO LIKE TO CLOSE SAYING THAT I THINK YOU SHOULD GET A BIT MORE WEIGHT IN THE FIRST -- I WOULD LIKE TO SEE THE SECOND E.I.R. GIVE A BIT MORE WEIGHT IN ITS CONCERNS TO THE NATIONAL PARK, TO THE CHARPIEDS, TO THE CITIZENS FOR THE CHUCKWALLA VALLEY, AND TO THE OTHER PEOPLE TRYING TO FIGHT THIS DUMP. THANK YOU.

(APPLAUSE.)

MR. ROUNTREE: THANK YOU, MR. FICK.

RITA BURRILL.

BY MS. RITA BURRILL: HI, MY NAME IS RITA BURRILL. I LIVE IN JOSHUA TREE, AND I JUST WANTED TO SAY THAT I THINK I'M IN AGREEMENT WITH ALL THE RESIDENTS IN THE MORONGO BASIN, AS WELL AS THE COACHELLA VALLEY AND THE EAGLE MOUNTAIN AREA, BECAUSE WE HAVE GONE THROUGH THIS WITH BOLO. AND I HAVE BEEN APPALLED, ABSOLUTELY APPALLED AT SOME OF THE STATEMENTS MADE BY OUR GOVERNMENT PEOPLE THAT WERE SO OUT OF LINE AND UNTRUE IT WAS PATHETIC. AND WE HAD NO WAY OF QUESTIONING BECAUSE THEY WERE SUPPOSED TO BE THE EXPERTS. BUT I WON'T EVEN GO INTO THE STATEMENTS THEY MADE. THEY WERE ABSOLUTELY RIDICULOUS. EVEN A SCHOOL CHILD WOULD KNOW THAT THEY WERE TELLING A LIE SIMPLY BECAUSE THEY HAD A TITLE.

17-26

17-27

17-28

17-29

Response to Comment 17-26

See Response to Comment 20-45.

Response to Comment 17-27

Please see General Response 4.

Response to Comment 17-28

Comment acknowledged.

Response to Comment 17-29

Comment acknowledged.

I DON'T HAVE A TITLE. WE BOUGHT LAND UP HERE TO RETIRE ON. WE LOVED IT, WE STILL LOVE IT, BUT, WHEN WE FOUND WHAT WAS HAPPENING UP HERE, IT JUST BROKE OUR HEARTS TO SEE THAT THIS IS GOING TO BE ONE GIGANTIC DUMP BECAUSE SOMEONE IS GREEDY AND WANTS THE MONEY.

WHERE THIS STUFF IS GOING TO BE COMING FROM IS NOT GOING TO BE JUST FROM L.A. COUNTY. THERE WAS A BOOK WRITTEN, AND IT WAS FUNDED BY THE FEDERAL GOVERNMENT, IT'S CALLED DUMPS IN AREAS, AND IT ALSO TELLS THE GOOD POINTS AND THE BAD POINTS. THEORETICALLY, IT WAS PUBLISHED BY THE UNIVERSITY OF NEW MEXICO. THAT REALLY OPENED MY EYES. BECAUSE EVERY PARAGRAPH HAD A PRO AND A CON. THE CONS WERE JUST SWEPT UNDER THE RUG. AND I DON'T CARE WHAT THEY SAY ABOUT AN E.I.R. AND ALL THEIR MITIGATION MEASURES, THAT BOOK TOLD IT LIKE IT IS.

THE ONLY ONES TO PROFIT FROM THIS ARE GOVERNMENTS AND THE BIG MEGACORPORATION OWNERS. THE PEOPLE WILL GET NOTHING. IN FACT, WE ARE THE ONES WHO ARE SUFFERING AND WILL SUFFER. I DON'T WANT TO GO INTO ANY MORE BECAUSE IT JUST MAKES ME SO MAD WHEN I THINK WHAT OUR COUNTRY IS COMING TO, THAT WE HAVE NO POWER, NO POWER WHATSOEVER, AND THESE DECISIONS HAVE BEEN MADE YEARS AGO, AND ALL THESE LITTLE MITIGATING MEASURES THAT THEY CLAIM ARE SUPPOSED TO TAKE CARE OF THINGS, EVEN A THREE-YEAR-OLD CHILD WOULD KNOW BETTER. I'M SORRY, I'M ANGRY.

(APPLAUSE.)

MR. ROUNTREE: THANK YOU, MS. BURRILL.

FRANK GIESING.

BY MR. FRANK GIESING: GOOD EVENING. MY NAME IS FRANK GIESING. I'M THE JOSHUA BASIN COORDINATOR FOR THE COMMITTEE FOR THE PROTECTION OF RURAL INDEPENDENCE.

I'VE BEEN HAVING TROUBLE FOR QUITE A LONG TIME WITH EAGLE, BOLO, WARD, THE WHOLE NINE YARDS. ONE OF THE THINGS 17-30 THAT I FIND TROUBLE WITH ARE THINGS THAT HAVE BEEN ALLUDED TO ABOUT LIES. I WASN'T GOING TO MENTION THIS UNTIL THAT BECAME A PART OF WHAT I FEEL SHOULD BE KNOWN.

IN OUR BOLO FIGHTS, ONE OF MY OWN PRESENTATIONS HAD EIGHT INDIVIDUAL DIFFERENT METHODS OTHER THAN LANDFILL DUMPING. WHAT CAME OUT OF COUNTY AND SENT UP TO THE PAPER AND PRINTED WITHOUT ANY INVESTIGATION WERE BALD-FACED LIES. WE GAVE NO ALTERNATIVES. THIS IS WHAT WE ARE FACING.

ONE OF THE THINGS IN THE EARLY DAYS OF THIS, PRIOR TO THIS GOING TO A LAWSUIT WITH EAGLE, I HAD A MEETING WITH MR. ANDERSON AND MR. MOON AT THE-THEN JOSHUA TREE NATIONAL 17-31 MONUMENT. MY LIST OF CONCERNS THAT I BROUGHT TO THEIR OFFICE WERE THE EXACT SAME ONES AND WERE ALMOST IN THE SAME ORDER AS THEIRS. AND ONE OF THE ONES THAT REALLY BLEW MY MIND WAS WHEN THEY TOLD ME THE STORY OF WHAT THE MITIGATION WAS GOING TO BE ON WIND-BLOWN TRASH INTO THE WILDERNESS AREA: "WE'LL TAKE JEEPS UP THERE WITH A CREW AND CLEAN IT UP."

WELL, LET ME TELL YOU A STORY. WHEN I WAS ON THE FIRE DEPARTMENT JOB IN THE '70S, WE HAD A FIRE THAT WE COULD HAVE PUT OUT WITHIN ABOUT 350 ACRES. IT TOOK REGION TWO DAYS TO ALLOW US TO DO IT, AND IT WENT TO 9,600 ACRES. SO WHY SHOULD WE ALLOW PEOPLE IN JEEPS TO COME UP AND CLEAN UP THE MESS?

Response to Comment 17-30

Because the comment does not focus on any Project-specific technical, regulatory, or procedural issue, no response is required.

Response to Comment 17-31

See Response to Comment 1-145.

NOW, FROM WHAT -- I'M LOOKING AT THE EXECUTIVE SUMMARY HERE ON ES-14, THEY'RE TALKING ABOUT THE MITIGATION MEASURES FOR WIND-BLOWN DEBRIS AND DUST, AND IT DOESN'T REALLY TELL ME ANYTHING OTHER THAN WHAT THEY MIGHT HAVE BEEN PLANNING IN THE FIRST PLACE, WHICH WAS NOTHING OTHER THAN DEGRADATION OF THE WILDERNESS AREA. BECAUSE IT SAYS, DOT DOT DOT, "AND RESPONSE PLAN TO ENSURE TIMELY AND COMPLETE CLEAN UP OF ACCIDENTAL SPILLS."

WE AREN'T, AS A PUBLIC, ALLOWED TO GO INTO THOSE WILDERNESS AREAS WITHOUT CERTAIN THINGS COMING INTO PLACE. BUT YET THE EAGLE THING IS GOING TO ALLOW JEEPS TO GO UP THERE AND TEAR UP THE LANDSCAPE TO PICK UP THE TRASH. NOW, THEY MIGHT NOT HAVE DOWN THERE AS MANY WIND DEVILS AS WE HAVE UP HERE BECAUSE IT'S NOT AS FLAT. BUT THEY DO HAVE THEM. AND I HAVE SEEN DUST DEVILS CARRY HUGE PIECES OF CARDBOARD THE SIZE OF SOMETHING A REFRIGERATOR WOULD COME IN, 5-, 600 HUNDRED FEET IN THE AIR. AND THAT WAS WHEN I WAS WORKING AT THE MARINE BASE.

NOW, ONE OF THE MAIN THINGS THAT I WANTED TO COVER. ON THE RADIO PROGRAM SOMETHING THAT MR. RICK DANIELS WAS TALKING ABOUT, "WELL, WE'RE GOING TO GET A NEW PARTNER IN THIS THING." AND HE'S GOING ON AND ON, AND SO I THOUGHT, WELL, THEY'RE SAYING THAT ALL THAT SUPERIOR COURT JUDGE JUDITH MC CONNELL IN SAN DIEGO BASICALLY HAD WAS ABOUT THE SEISMIC ACTIVITY THAT MIGHT DEGRADE THE LINER.

17-32

WELL, LET ME TELL YOU, WE HAVE MORE INFORMATION ON IT THAN THAT. IT HAS ADMITTEDLY LEAKAGE RATE. ALSO, THE FACT THAT THE MANUFACTURER OF THAT MATERIAL, NOT THE MANUFACTURER OF THE LINER BUT THE MANUFACTURER OF THE MATERIAL, DOES NOT, REPEAT, DOES NOT RECOMMEND IT FOR LANDFILL USE. WHAT DOES THAT TELL YOU? IT TELLS YOU THAT THEY KNOW THAT IT'S NOT GOING TO DO THE JOB AND THEY DON'T WANT TO EITHER HAVE A BIG P.R. PROBLEM, OR A BIG LAWSUIT CITY PROBLEM. THANK YOU VERY MUCH.

(APPLAUSE.)

MR. ROUNTREE: THANK YOU, MR. GIESLING.

Response to Comment 17-32

This comment has two parts. The first part concerns leakage through the geomembrane liner, and the second part concerns raw materials used to manufacture HDPE geomembranes. With respect to geomembrane leakage, the landfill design does not rely solely on the integrity of the HDPE geomembrane to provide long-term protection of the groundwater. The individual components of the composite liner (i.e., the geomembrane and underlying 2-foot-thick, compacted, low-permeability soil layer) have complementary physical and hydraulic properties that result in a combined geomembrane and low-permeability soil liner that has a leakage potential hundreds of times smaller than that of either individual component. Leakage potential is then further reduced by the installation of a second composite liner below the unsaturated zone monitoring layer. In addition, a third composite liner will be installed under the leachate collection and removal system sumps, which are the low points to which any leachate will flow. The leachate containment capability of the liner system, in combination with other design and operational features of the landfill, provides for an overall design, which is fully capable of protecting the groundwater at the site.

With respect to the comment that the producer of the raw material used to manufacture an HDPE geomembrane does not recommend it for landfill use, there is no possibility that an HDPE geomembrane manufactured from unacceptable raw materials will be installed at the Eagle Mountain Landfill. This is because material specifications and Construction Quality Assurance (CQA) plans for the geomembrane will be prepared for each landfill subphase and submitted to the RWQCB for review and approval, as described in Section 2.1.6.1 of the Draft EIS/EIR. The specifications and CQA plan will require that the geomembrane meets durability and performance standards consistent with the Project requirements.

CHARLA SHAMHART.

BY MS. CHARLA SHAMHART: MY NAME IS CHARLA SHAMHART. I'M A 20-YEAR RESIDENT HERE IN THE DESERT. I LIVE IN YUCCA VALLEY. I HAVE NOT YET RECEIVED THE TWO APPENDICES THAT I HAD REQUESTED. I DO NOT WISH TO PAY FOR ANY OF THESE, EITHER. IT IS DIFFICULT TO SPEAK TO THE ISSUES AT THIS HEARING WITHOUT RECEIVING THOSE APPENDICES. I BELIEVE THIS IS A VIOLATION OF MY RIGHTS.

I WOULD LIKE TO QUESTION THIS CHART. HOW CAN WASTE INCREASE SO DRAMATICALLY FROM OUR SOUTHERN CALIFORNIA AREAS WHEN IN 1989, THROUGH A.B. 939, THE STATE OF CALIFORNIA MANDATED THAT BY THE YEAR 2002 ALL CITIES IN THE STATE MUST REDUCE THEIR TRASH OUTPUT GOING TO THE LANDFILLS BY 50 PERCENT. FOR WHOM ARE THEY BUILDING THESE MEGADUMPS? CERTAINLY NOT OUR CITIZENS. I DO NOT WISH TO BE PARTY TO HAVING TRASH TRUCKED IN FROM OUT OF STATE AND OUT OF COUNTRY, AS THE GATT AGREEMENT WOULD OPEN US UP TO.

Response to Comment 17-33

To accommodate public review of the Draft EIS/EIR, an initial printing of 350 copies of the Draft EIS/EIR and 150 copies of the two volumes of the technical appendices was prepared. In response to requests, an additional 20 copies of the Draft EIS/EIR and 16 copies of the two volumes of the technical appendices were printed, resulting in a total of 370 copies of the Draft EIS/EIR and 166 copies of each of the technical appendices. After sending copies of the Draft EIS/EIR to individuals and agencies on a consolidated BLM and County mailing list of approximately 160 people, the remaining copies were sent to members of the public upon request. Copies of the document were sent out within 24 hours of the date of the request. After these copies were distributed, additional copies were made available on a per request basis for the cost of printing and mailing.

In addition, copies of the complete document (EIS/EIR, Volumes 1 and 2 of the Technical Appendices) are in more than 20 libraries in Southern California and the San Francisco Bay area. Copies are also available for review in the Palm Springs and Riverside offices of the BLM and in the Indio and Riverside offices of the County.

Response to Comment 17-34

Disposal data presented in the Draft EIS/EIR were based on each of the Southern California County's Draft Siting Element, which took into consideration the requirements of AB 939. Based on these data, waste disposal would decrease to the year 2000 due to increased recycling, but would start to increase again after the year 2000 because of increasing population.

YOUR JOB AS BLM IS TO PROTECT THE DESERT LANDS AND ECOSYSTEMS FOR WE THE PEOPLE, NOT TO TRADE THEM OFF FOR INAPPROPRIATE DESERT DEVELOPMENT. THIS PROJECT EVENTUALLY 17-35 WILL FEED OFF MY TAX DOLLARS, AS OTHER SUPERFUND CLEANUP SITES HAVE. THIS PROJECT IS SO FLAWED THAT IT CANNOT HELP BUT LEAK INTO THE WATER TABLE, INTO THE AIR AND INTO THE SOIL. HOW CAN KAISER BE FINANCIALLY RESPONSIBLE FOR THE DAMAGE FROM A PROJECT SUCH AS THIS? THEY WILL NOT EVEN BE FINANCIALLY RESPONSIBLE TO THEIR OWN RETIREES.

(LAUGHTER AND APPLAUSE.)

MR. ROUNTREE: THANK YOU, MS. SHAMHART.

DONNA CHARPIED.

MS. CHARPIED: GOOD EVENING. MY NAME IS DONNA 17-36 CHARPIED. I LIVE IN EAGLE MOUNTAIN. I'M WITH THE CITIZENS FOR THE CHUCKAWALLA VALLEY. AND BACK IN APRIL, THE CITIZENS FOR THE CHUCKAWALLA VALLEY ISSUED A FREEDOM OF INFORMATION ACT REQUEST TO THE DIRECTOR OF NATIONAL PARK SERVICE, ROGER KENNEDY, BECAUSE WE HEARD A RUMOR THAT THE LOBBYIST, DIANE WECHSLER, WHO THE POLLUTERS HAD HIRED TO GET THIS DUMP THROUGH FRUITION, SAT ON SOME BOARD OF DIRECTORS OR SOMETHING WITH MR. KENNEDY. AND THIS VERY MUCH CONCERNED US.

LO AND BEHOLD, THEY DO SIT ON A BOARD OF DIRECTORS OF THE NATIONAL PARKS FOUNDATION TOGETHER. AND AS A FUNCTION OF LAW MR. KENNEDY WOULD AUTOMATICALLY SIT ON THERE. SO WHAT THIS DOES IS, IT GIVES THE LOBBYISTS UNLIMITED ACCESS TO A HUGE DECISION-MAKER, THE COMPLETE BOSS OF THE NATIONAL PARK SERVICE.

Response to Comment 17-35

The analyses conducted in support of the proposed Project have considered a full range of potential impacts to the desert environs, as documented throughout the EIS/EIR. Equating the proposed Project with "other Superfund cleanup sites" ignores the fact that the landfill will accept only nonhazardous wastes. With regard to the speculation that the Project is "flawed" and will lead to water, soil, and air pollution, the commenter is referred to the appropriate sections within the EIS/EIR (Sections 4.1, 4.9, and 4.4), as well as the substantial responses to comments on these resource areas. As to the issue of financial responsibility, if the Project is approved, the applicant will be required to provide financial assurance in accordance with existing state and local requirements.

Response to Comment 17-36

The purpose of both CEQA and NEPA is to inform the public and decisionmakers of the environmental consequences of the proposed Project.

WHAT IS EXTREMELY TROUBLING TO ME IS THAT MR. KENNEDY OFFICIALLY RECUSED HIMSELF FROM MAKING ANY COMMENTS REGARDING THIS PROJECT ON JUNE 2, 1995. HOWEVER, IN THE F.O.I. DOCUMENTS THAT WE RECEIVED THAT WERE DATED MARCH 20, 1996, MS. WECHSLER HAD FAXED A SERIES OF PAGES REGARDING THE COMMENTS THAT JOSHUA TREE NATIONAL PARK AND THE REGIONAL OFFICE OF NATIONAL PARK SERVICE HAD MADE TO THE ADMINISTRATIVE DRAFT.

I WAS NEVER SO INSULTED IN MY LIFE WHEN I READ THE ASSESSMENTS THAT THE POLLUTERS AND MS. WECHSLER PUT ON THE VERY SERIOUS CONCERNS AND LEGITIMATE ISSUES THAT PARK SERVICE HAD RAISED IN THE ADMINISTRATIVE DRAFT, LANGUAGE SUCH AS "BIZARRE ASSESSMENTS." THIS IS NOTHING NEW. WHICH, INCIDENTALLY, IT WASN'T NEW LAST TIME; IT WAS IGNORED AND THE COURT THREW IT OUT. AND, "WELL, WE DON'T HAVE TO WORRY ABOUT THAT RIGHT NOW 'CAUSE WE CAN DEAL WITH IT IN A MEMORANDUM OF UNDERSTANDING."

THAT'S HOGWASH, IT'S COMPLETELY AGAINST NEPA. ANY IMPACTS THE PUBLIC -- THE WHOLE PURPOSE OF ALL OF THIS PUBLIC PARTICIPATION, THIS DOCUMENT, THE HEARINGS, ET CETERA, IS TO EXPOSE TO THE PUBLIC THE TRUE VALUE AND THE TRUE DETRIMENT OF THIS PROJECT.

NOW, SOME OF PARK SERVICE'S' CONCERNS -- I DON'T KNOW IF CH2M HILL DELIBERATELY MISINTERPRET OR THEY JUST DON'T UNDERSTAND ENGLISH AND HOW THE COMMENTS WERE WRITTEN, BUT I THINK IT'S PRETTY CLEAR THAT IN THE DOCUMENTS, THAT THEY DIDN'T UNDERSTAND JOSHUA TREE'S CONCERNS AND DID NOT ADDRESS THEM. THIS IS UNSATISFACTORY.

17-37

Response to Comment 17-37

BLM has worked with the NPS throughout the preparation of this EIS/EIR to ensure that any impacts of the Project on JTNP are fully evaluated and, where appropriate, mitigated. As a cooperating agency in the NEPA process, the NPS has had an opportunity to provide input at every stage, including extensive comments on an administrative draft of the Draft EIS/EIR, and on the Draft EIS/EIR itself. Apart from the NEPA process, the Project applicant (MRC) has met with NPS officials, including staff from the JTNP, to negotiate an Agreement that would address potential long-term, unforeseeable impacts of the Project on the desert environment. Although the Agreement is not required by NEPA or any other law, BLM supports the efforts to reach agreement on issues relative to the Project (see Appendix T).

AS I TOLD YOU YESTERDAY, I WILL BE SENDING IN SOME EXTENSIVE COMMENTS THAT WE RECEIVED FROM THE F.O.I. REQUEST AND ASKING, MAYBE, AS THE PUBLIC -- 'CAUSE MR. KENNEDY CERTAINLY CAN'T PUT ANY PRESSURE ON ME TO SHUT MY MOUTH -- I WANT TO KNOW THE ANALYSIS BETWEEN PARK SERVICE AIR QUALITY THINGS AND THE POLLUTERS' AIR QUALITY, AND LET'S LET THE PUBLIC DECIDE WHICH WAY THINGS SHOULD GO. 17-38

I KNOW THAT A FEW OF YOU IN THE DEPARTMENT OF INTERIOR, SENATOR FEINSTEIN, ET CETERA, HAVE BEEN GETTING LETTERS FROM THE KAISER RETIREES. AND THERE'S A LITTLE STORY BEHIND THAT. KAISER PUT ON A DOG AND PONY SHOW A COUPLE OF MONTHS AGO IN FONTANA TO PROMOTE THIS DUMP AND THEIR RACETRACK. AT THE END OF THE EVENING YOU WERE SUPPOSED TO GET A DINNER. WELL, THE ONLY WAY YOU GOT YOUR MEAL TICKET IS IF YOU SIGNED THESE LETTERS TO THESE POLITICIANS. SO, YOU 17-39

KNOW, IF I'M AN 80-YEAR-OLD RETIREE AND DIABETIC AND IT'S GETTING AROUND DINNERTIME, I'LL SIGN MY SOUL AWAY FOR SUSTENANCE. I THINK THAT JUST SHOWS THE UNDERHANDED TACTICS THAT THESE PEOPLE WELL RESORT TO.

IN THE F.O.I., FREEDOM OF INFORMATION ACT REQUEST WE CAN SEE THAT SENATOR FEINSTEIN, AS WELL AS SOME PARK SERVICE OFFICIALS IN WASHINGTON, D.C., ARE AT THE DISPOSAL OF THESE POLLUTERS -- NO PUN INTENDED. AND IN THE LETTERS THAT WERE WRITTEN TO MR. KENNEDY AND MRS. FEINSTEIN THAT THE RETIREES SIGNED, THERE ARE COMMENTS IN THERE BASICALLY, I'M PARAPHRASING, THE PARK SERVICE HAS NO BUSINESS PROTECTING THIS PARK, IT HAS NO BUSINESS WRITING THEIR CONCERNS AND THEY SHOULD JUST SHUT UP AND LET THIS THING GO ON. 17-40

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Response to Comment 17-38

It is unclear what the commenter means by the NPS's air quality things. Air quality impacts at JTNP are addressed in the Draft EIS/EIR and throughout this Volume II of the EIS/EIR. Please see also General Responses 3 and 7.

Response to Comment 17-39

Because the comment does not focus on any Project-specific technical, environmental, regulatory, or procedural issues, no response is required.

Response to Comment 17-40

Because the comment does not focus on any Project-specific technical, regulatory, or procedural issue, no response is required.

WELL, I'M GOING TO READ TWO PARAGRAPHS FROM YOU INTO THE RECORD FROM A LETTER FROM MR. JOHN GAREMENDI, WHO IS THE DEPUTY SECRETARY OF THE DEPARTMENT OF INTERIOR. THIS WAS IN RESPONSE TO A LETTER FROM AN ACTIVIST, AND IT'LL TAKE LESS THAN A MINUTE.

17-41

"THE NATIONAL PARK SERVICE WAS ASKED BY THE LEAD AGENCY TO BE A COOPERATING AGENCY FOR RESPONDING TO ISSUES OF CONCERN SHOULD THE LANDFILL PROJECT BE APPROVED. AS A COOPERATING AGENCY, THE LAW REQUIRES THAT THE PARK SERVICE GIVE INPUT REGARDING POTENTIAL IMPACTS TO LAND ADMINISTERED BY NATIONAL PARK SERVICE.

"THERE ARE QUESTIONS CONCERNING THE NATURE AND EXTENT OF THE POTENTIAL IMPACTS TO JOSHUA TREE NATIONAL PARK THAT COULD ARISE FROM THE PROPOSED USE OF ITS AREA AS A LANDFILL SITE. NATIONAL PARK SERVICE HAS A LEGAL RESPONSIBILITY TO FULLY ARTICULATE THE POTENTIAL IMPACTS THAT MAY RESULT FROM THIS, OR ANY OTHER PROJECT, AND TO PARTICIPATE TO THE MAXIMUM EXTENT POSSIBLE IN THE DEVELOPMENT OF THE ENVIRONMENTAL DOCUMENTS."

AND IN CLOSING, I WOULD LIKE TO SAY THAT NATIONAL PARK SERVICE'S SISTER AGENCY COULD LEARN A LOT ON HOW TO CONDUCT A PUBLIC BUSINESS IN THE PUBLIC'S BETTER INTEREST.

THANK YOU VERY MUCH FOR YOUR TIME.

(APPLAUSE.)

MR. ROUNTREE: THANK YOU, MS. CHARPIED.

MR. CHARPIED.

(INAUDIBLE COMMENT FROM AUDIENCE.)

Response to Comment 17-41

The comment is acknowledged.

MR. ROUNTREE: I'D LIKE YOU TO SPEAK IN THE ORDER YOU SIGNED UP, PLEASE.

BY MR. LARRY CHARPIED: I'LL MAKE THIS AS QUICK AS POSSIBLE. I'M LARRY CHARPIED FROM DESERT CENTER, CALIFORNIA. I'M REPRESENTING CITIZENS FOR THE CHUCKAWALLA VALLEY, AND I WANT TO KIND OF REITERATE A FEW THINGS REAL QUICK TO MAKE SURE IT'S CLEAR.

17-42

a ONE IS IN THE WATER CONSUMPTION ANALYSIS BULLETIN 118, WHICH PETERS AND HIS FOLKS EXTENSIVELY REFERENCED, ALSO,

b THEY INCLUDE BLYTHE AS A CONSUMER OF THE WATER FROM THE CHUCKAWALLA VALLEY. SO MAKE SURE THAT WE INCLUDE THE CITY OF

c BLYTHE, THE PRISON WHEN WE START CALCULATING THIS OVERDRAFT, AND ALSO THAT THERE'S BEEN NO RAIN INFILTRATION FOR FOUR YEARS. PLEASE.

OKAY. JIM TONGOUS (PH.), HE APPLAUDED THE EPICENTERS IN THE LANDFILL FOOTPRINT, PUT THEM ON REAL NICE OVERHEADS. I MEAN, WE SHOWED (INAUDIBLE) MANY, MANY TIMES.

17-43

THE JUDGE WAS CONCERNED ABOUT THOSE. PLEASE REFERENCE IN YOUR E.I.R. WHERE THOSE EPICENTERS ARE TALKED ABOUT. PLEASE KEEP IN MIND, THE COUNTY OF RIVERSIDE -- WE GOT THIS FROM CAL TECH -- THE COUNTY OF RIVERSIDE VERIFIED THIS TO BE ACCURATE INFORMATION -- AND WE WANT TO KNOW IF YOU'RE GOING TO PUT LANDFILLS EVERY 200 FEET AROUND THESE 18 EPICENTERS IN THE FOOTPRINT OR IF YOU'RE GOING TO JUST GO AHEAD AND COVER THEM UP WITH GARBAGE.

Response to Comment 17-42

(a) DWR (1975) is cited three times in the Draft EIS/EIR in the context of groundwater storage in the Chuckwalla Basin.

(b) There is no mention in DWR (1975) that the City of Blythe pumps groundwater from the Chuckwalla Basin. The nine wells that provide water to the City of Blythe are all located within the city limits, and no portion of the City of Blythe extends into the Chuckwalla Basin.

(c) The City of Blythe is not located within the Chuckwalla Basin (see Response to Comment 17-42(b). Groundwater pumping by Blythe is therefore not considered in the evaluation of overdraft in the Chuckwalla Basin. In reference to including Chuckawalla State Prison, see Response to Comment 195-16(a). In reference to the comment that there has been no rain infiltration for 4 years, see Response to Comment 195-18(c).

Response to Comment 17-43

Extensive site-specific seismology studies have been performed for the Project site, as summarized in Appendix H-1 of the Draft EIS/EIR. These studies included review and incorporation of all sources of available seismic data, including data obtained from the California Institute of Technology and plotted by Dr. Toenjas. Many of the epicenters recorded in the Eagle Mountain area are attributable to blasting associated with mining operations. They are all less than magnitude 3.0, and no large earthquakes (magnitude greater than 4.0) have been located within 9 kilometers of the Eagle Mountain landfill site. Despite this fact, the seismic analyses conducted for the Eagle Mountain Project consider the very improbable occurrence of a substantial earthquake in the immediate vicinity of the Project site. See Sections 3.9 and 4.9 of the Draft EIS/EIR.

SLOPE STABILITY. THERE'S THE LETTER FROM THE CALIFORNIA WATER RESOURCES BOARD SAYING 50 TO 70 PERCENT OF ALL THOSE SLOPES PUT IN THE BEDROCK HAVE DETERIORATED OR ARE UNSTABLE. THIS IS NATURALLY. HOW ARE YOU GOING TO STABILIZE THESE SLOPES, ONE-TO-ONE SLOPES WITH TONS OF GARBAGE ON THEM. I WANT TO KNOW HOW YOU ARE GOING TO DO THAT? NOT GRADE IT, I WANT TO KNOW HOW YOU ARE GOING TO STABILIZE GEOLOGICALLY UNSTABLE GROUND? 17-44

MR. PETERS SAID THERE'S ADDITIONAL LEVEL I CONTAMINANT SURVEYS WERE PERFORMED BECAUSE OF THE JUDGE'S ORDER. PLEASE INCLUDE THOSE THE IN THE E.I.S. 17-45

OH, THEY SAY RECLAMATION, THAT THIS IS PART OF THE RECLAMATION PLAN. THE RECLAMATION PLAN WAS WHEN THE MINE CLOSED THEY WERE SUPPOSED TO TEAR THAT ALL DOWN, GET RID OF ALL THE STRUCTURES AND HOUSES. IN FACT, THEY STARTED TO DO THAT; ALL THE EQUIPMENT, ALL THE STRUCTURES ARE GONE. A LOT -- OVER 50 HOUSES MOVED OUT OF THERE. THEN THEY STOPPED. RIGHT NOW THEY'RE IN VIOLATION OF THEIR RECLAMATION PLAN BECAUSE, IN FACT, THEY'RE BUILDING ON THIS LAND, THERE'S A PRISON THERE. 17-46

THERE'S NO WAY THEY CAN RECLAIM THIS LAND. THEY HAVE A LEASE WITH THOSE PEOPLE. THEY'RE VIOLATING IT. LET'S GET THIS SQUARED AWAY BEFORE THIS MOVES ANY FURTHER ON.

Response to Comment 17-44

Extensive studies have been performed to assess the stability of existing and proposed slopes (see Section 4.9 of the EIS/EIR and ROWD Supplemental Volumes 1 and 2). In addition to the studies already completed, construction-level design studies will be performed before each subphase (i.e., 10- to 30-acre area) is constructed. Some of the elements that will be addressed during the construction-level design activities are described in Section 2.1.6.1 and Appendix B-5 of the EIS/EIR. Regarding slope stability, any existing slopes that are found to be unstable will be stabilized during subphase-specific grading operations by means that could include: removal of potentially unstable rock zones, rock bolting, soil nailing, ground anchors, or earth fills. In addition, waste that is deposited against lined slopes will have a stabilizing effect because the waste mass acts as a buttress against sliding.

Response to Comment 17-45

Section 3.2.2 of the Draft EIS/EIR discusses in detail the history and results of the various investigations and analyses that have been conducted at the Project site pertaining to the potential presence of hazardous wastes/materials, including the BLM Level I Contaminant Survey (Section 3.2.2.1), which was incorporated by reference in the Draft EIS/EIR as part of the Administrative Record. See Appendix P.

Response to Comment 17-46

The comment is incorrect. The existing provisions of the reclamation plan are not being violated. Any further renovation must meet requirements stipulated by the County of Riverside.

I'M CONFUSED. IT SAYS THERE'S GOING BE 150 JOBS NOW WHICH WILL TRANSLATE TO 508 MORE PEOPLE, YET WHEN WE SEE THEM IN THE STREETS AND HEAR THEM ON T.V., THERE'S GOING TO BE 500 NEW JOBS. DOES THAT TRANSLATE INTO 2,000 MORE PEOPLE? THE WATER CONSUMPTION AT THE TOWNSITE IS VERY IMPORTANT TO ME. LET'S GET THIS STUFF STRAIGHTENED OUT HERE.

17-47

PLEASE GET A COPY OF THE -- WE MENTIONED THE VIDEO THAT THE NATIONAL PARKS DID WITH THE FOUR WORLD-REKNOWNED ECONOMISTS YESTERDAY. PLEASE, PERSONALLY, YOU GUYS GET THIS COPY OF THE VIDEO. WE DON'T WANT TO BE ACCUSED OF TAMPERING WITH IT. WE WILL REFERENCE IT, WE WILL USE THAT AS REASONS FOR THIS BEING INADEQUATE, SO YOU NEED TO GET A COPY SO YOU KNOW WHAT WE'RE TALKING ABOUT.

17-48

Response to Comment 17-47

As discussed in the Draft EIS/EIR (Section 4.8.2), the Project would generate jobs for 150 temporary workers to construct the landfill and 12 workers to renovate the Townsite. Approximately 250 jobs would be generated for permanent workers to operate the landfill. In addition to these direct impacts, indirect impacts, known as "multiplier effects" would result in additional job creation in areas outside of the landfill and the Townsite. Using information from the County on economic output and information from the U.S. Department of Commerce, Bureau of Economic Analysis, a multiplier for employment of 1.8 was estimated for Riverside County. This means that for every job directly created as a result of the Project, an additional 0.8 additional jobs would be created elsewhere in the County, resulting in an additional 200 jobs in Riverside County.

Response to Comment 17-48

Because the comment does not focus on any Project-specific technical, environmental, regulatory, or procedural issues, no response is required.

THIS CAPACITY CHART, WE NEED ANOTHER BAR ON HERE.
17-49 IT NEEDS TO INCLUDE PROJECTED EXPANSIONS AND NEW SITES WHICH
WILL CLEARLY SHOW THAT THERE'S MORE CAPACITY THAN WE NEED.

THIS IS SO MISLEADING TO PEOPLE. I MEAN, WHY ARE YOU LYING?
THE REALITY IS, THE CAPACITY IS THERE.

THE E.I.R. NEEDS TO BE REPRINTED. THE COMMENT
PERIOD NEEDS TO BE EXTENDED. AND THE REALITY IS, THE
17-50 PROPONENTS ARE OBLIGATED TO COVER THE COSTS OF THIS PROPOSAL,
NOT THE PUBLIC, WE ARE NOT SUPPOSED TO BE PAYING FOR THE
E.I.R., THEY ARE. WHAT IS THIS, WE HAVE TO PAY FOR THE
E.I.R.?

IS THERE SOME KIND OF NEW RULE WE DON'T KNOW ABOUT
HERE THAT HAS CHANGED SINCE LAST TIME?

THE WAY THE LAW IS, IS ANY COSTS OVER AND ABOVE
17-51 WHAT IT COSTS FOR THAT LANDFILL TO OPERATE AND CLOSURE, ANY
OF THAT, THEN, IS CONSIDERED A TAX. PLEASE KEEP IN MIND THAT
UNLESS THERE'S A TWO-THIRDS VOTE, THERE'S NO DOLLAR TON
MITIGATION, NONE OF THAT. THERE'S NO OTHER MONEY THAN THE
TIPPING FEE AND WHAT IT COSTS FOR CLOSURE OF LANDFILLS IN THE
COUNTY. THE REST IS ALL A BUNCH OF BULL.

THANK YOU VERY MUCH.

(APPLAUSE.)

MR. ROUNTREE: THANK YOU, MR. CHARPIED.

Response to Comment 17-49

Figure 4.1 shows projected daily capacity needs for the seven-county region and available existing permitted capacity. In the Siting Elements for each of the counties, a number of potential options are listed for providing additional capacity, including repermitting and expanding existing landfills and development of new landfills. These options are discussed in the narrative and will be included in a new appendix. It would be misleading to show all these potential options on Figure 4.1 because it is unknown at this time which expansions and new disposal facilities will actually be pursued, the likelihood that they will ever receive permits to operate, and, if permitted, the maximum daily and total capacity that will be allowed. It is noted in the Los Angeles County Siting Element "based on past and current experience in siting new or expanded capacity, it must be recognized that many (or all) of the sites may encounter strong opposition during the permitting process, and that not all of the sites may be approved. Even if a site is successfully permitted, the total approved capacity and daily capacity may be substantially less than requested by the project proponent."

Response to Comment 17-50

See Response to Comment 17-33.

Response to Comment 17-51

Comment noted.

I'VE GOT A SHEET WITH NO NAME, ALTHOUGH IT DOES SAY AFFILIATION AS A KAISER RETIREE AT 672 HEWITT.

BY MR. JACK UNDERWOOD: MY NAME IS JACK UNDERWOOD. I'M A RETIREE FROM EAGLE MOUNTAIN MINE.

17-52 ABOUT FIVE WEEKS AGO I CALLED THE RIVERSIDE OFFICE BLM AND REQUESTED AN E.I.R./E.I.S., A FULL E.I.R./E.I.S., NOT THE SUMMARY AND THE APPENDECIES, AND I HAVEN'T RECEIVED THOSE YET. AND I WAS WONDERING IF YOU COULD TELL ME WHEN I WOULD BE RECEIVING THEM OR WHERE I COULD PICK 'EM UP.

MR. ROUNTREE: I WOULD SUGGEST YOU TALK WITH ONE OF THE GENTLEMEN AT THE REGISTRATION TABLE.

MR. UNDERWOOD: THANK YOU.

MR. ROUNTREE: THANK YOU, MR. UNDERWOOD.

BRAD BERGER.

17-53 BY MR. BRAD BERGER: MY NAME IS BRAD BERGER. I'M A RESIDENT OF YUCCA VALLEY. I WOULD LIKE TO THANK THE BLM FOR LETTING ME COMMENT ON THIS DUMP PROJECT.

THERE ARE MANY REASONS WHY THE EAGLE MOUNTAIN DUMP IS A BAD IDEA. THOUSANDS OF ACRES OF BLM LAND WILL BE DESTROYED AND NO LONGER BE SUITABLE AS WILDLIFE HABITAT OR FOR RECREATION. THE GROUND WATER IN THE CHUCKAWALLA BASIN WATERSHED, WHICH THE DRAFT E.I.R./E.I.S. STATES IS THE

17-54 PRIMARY SOURCE OF WATER FOR AGRICULTURE, INDUSTRY, COMMERCIAL AND DOMESTIC USE IN THE AREA, WILL BE UNNECESSARILY THREATENED BY PROBABLE LEAKAGE FROM THE DUMP. LIKEWISE, THE

Response to Comment 17-52

Comment acknowledged. See Response to Comment 17-33.

Response to Comment 17-53

The comment is incorrect in stating that "thousands of acres of BLM land will be destroyed." The proposed land exchange, in conjunction with the mitigation trust fund, will aid the BLM in its mandate to protect valuable habitat land. As noted in the EIS/EIR, no significant adverse impacts to recreational resources or opportunities are expected. See General Response 6.

Response to Comment 17-54

The Draft EIS/EIR concludes in Section 4.1.2.1 (page 4.1-13) under Significance After Mitigation: "With the implementation of the proven regulatory requirements for landfill containment and the added protection afforded by the mitigation measures described [under Mitigation], groundwater quality would not be affected by leachate releases from the Eagle Mountain Landfill, and therefore, impacts would be reduced to below the level of significance. Similarly, leachate from the proposed landfill would not contaminate public water supplies, and the mitigation measures incorporated into the proposed action would reduce impacts to below the level of significance."

17-55 AIR QUALITY IN THE SOUTH COAST AIR BASIN WILL DECREASE AND CANNOT BE MITIGATED.

THE PURPOSE OF THIS HEARING IS TO ALLOW THE PUBLIC A CHANCE TO POINT OUT ERRORS IN THE DRAFT E.I.R./E.I.S. THIS

17-56 ISN'T HARD TO DO. FIRST OF ALL, THE NO ACTION ALTERNATIVE IS DISMISSED OUT OF HAND BECAUSE OF ALL THE SUPPOSEDLY WONDERFUL THINGS THAT THE NEBULOUS ENVIRONMENTAL MITIGATION TRUST WILL DO IF THE PROJECT GOES THROUGH. SAYING THAT THE MITIGATION MAKES THE PROJECT HAVE LESS IMPACT THAN IF IT ISN'T DONE IS LUDICROUS. IT'S LIKE CUTTING OFF YOUR LEG AND GETTING A NEW PAIR OF SHOES.

Response to Comment 17-55

The comment is incorrect regarding the degradation of air quality in the SCAB. With the proposed Project, emissions will be reduced in the SCAB. As shown in the Draft EIS/EIR (Appendix E, Part 7), emissions of oxides of nitrogen, fine particulates, nonmethane hydrocarbons and sulfur dioxide will all be lower in the SCAB as a result of the proposed Project compared to the No Action Alternative. Although there will be a slight increase of emissions in the SCAB due to transfer of waste by rail to the Project site, there will be an overall net improvement in air quality in the SCAB. This net improvement in air quality will be a result of a large corresponding decrease in landfill gas production and flare emissions in the SCAB due to the transfer of waste away from the SCAB to the Project site, as well as reduced activity of diesel equipment at landfill sites within the air basin.

Response to Comment 17-56

As discussed in Section 4.7 of the EIS/EIR, the No Action Alternative would eliminate all known and potential significant adverse impacts identified for the proposed Project. However, the No Action Alternative also would preclude BLM from obtaining and providing long-term protection to 2,486 acres of high-quality habitat for desert tortoise, desert pupfish, Nelson's bighorn sheep, and other wildlife and plant species found on these lands. The No Action Alternative also would eliminate the establishment of the Environmental Mitigation Trust, which ultimately would provide up to $20,000 per day for the further acquisition and protection of important habitat for sensitive wildlife species.

BUT I WOULD LIKE TO TALK ABOUT ANOTHER PERHAPS DEEPER PROBLEM. THE DUMP IS PROPOSED TO BE IN OPERATION FOR 117 YEARS. IF THE DUMP WERE TO OPEN NEXT YEAR, THAT MEANS WE'LL BE IN OPERATION UNTIL THE YEAR 2114. WHAT WILL THE WORLD IN SOUTHERN CALIFORNIA BE LIKE THEN? PERHAPS WE CAN GO BACK 117 YEARS TO ILLUSTRATE; THAT WOULD BE 1880. THE CIVIL WAR WAS JUST STILL CLEAR IN PEOPLE'S MINDS. THERE WERE NO CARS, THERE WERE NO AIRPLANES, NO TELEPHONES OR TELEVISIONS, NO PENICILLIN, NO SPACE SHIPS OR FAX MACHINES.

17-57

THE U.S. SINCE 1880 HAS BEEN THROUGH TWO WORLD WARS AND NUMEROUS OTHER WARS AND CONFLICTS. WE'VE HAD A CIVIL RIGHTS MOVEMENT AND A MULTITUDE OF OTHER SOCIAL CHANGES. IN THE LAST 25 YEARS, COMPUTERS HAVE GONE FROM GOVERNMENT LABS AND INDUSTRY INTO MILLIONS OF HOMES AND SMALL BUSINESSES. IN THE SAME SHORT PERIOD WE HAVE BECOME VERY AWARE OF THE IMPACT WE CAN HAVE ON THE ENVIRONMENT, SUCH AS HOW C.F.C.'S DESTROY THE OZONE LAYER. ONLY RECENTLY HAVE CURRENT RECYCLING PROGRAMS BEEN IMPLEMENTED WITH MAJOR SUCCESS.

THE BOTTOM LINE IS, THE WORLD HAS DRASTICALLY CHANGED IN THE LAST 117 YEARS, AND THE CHANGE DOES NOT SHOW SIGNS OF SLOWING; ON THE CONTRARY, IT IS ACCELERATING. MY POINT IS THIS: WHAT ARE WE THROWING INTO OUR DUMPS? NATURAL RESOURCES, THESE RESOURCES ARE LIMITED, AND WITH THE POPULATION INCREASING AS IT IS, WE AS PEOPLE WILL NEED TO CONSERVE AND REUSE THESE RESOURCES WAY BEYOND WHAT IS CURRENTLY MANDATED BY OUR GOVERNMENT.

Response to Comment 17-57

Speculation as to the potential for presently unidentified technologies to relieve the need for the proposed Project is beyond the scope of analyses required under CEQA and NEPA. BLM has considered a wide range of alternatives in preparing the EIS/EIR for this Project. Some alternatives were eliminated from detailed consideration, while others were carried forward for detailed analysis in the EIS/EIR. Generally, alternatives were eliminated from detailed analysis if it was determined that they would not meet the purpose and need for the Project. Please refer to Section 2.8 of the EIS/EIR for a detailed discussion of the reasons for eliminating particular alternatives, including waste diversion and landfill mining. Also see Response to Comment 195-29.

I'VE READ THROUGH THE SKETCHY SECTION ON WHY THIS DUMP IS NEEDED, AND I DON'T BELIEVE IT. IN FACT, THERE ISN'T A SINGLE LETTER IN THE WHOLE E.I.R./E.I.S. FROM ANY OF THE SEVEN COUNTIES THAT KAISER SAYS WILL USE THE DUMP, STATING THEY WANT IT.

17-58

WHAT I'M LEADING UP TO IS AN ALTERNATIVE THAT IS NEVER MENTIONED. THIS ALTERNATIVE POINTS OUT HOW UGLY KAISER'S PLANS ARE. IN THE CURRENTLY-PROPOSED DUMP PLAN IT ISN'T FOR 59 YEARS THAT KAISER STARTS TO FILL IN THEIR OLD MINE, EVEN THOUGH THAT IS ONE OF THE MAIN STATED PURPOSES FOR THE PROJECT. RATHER, THEY SPEND THE FIRST 59 YEARS FILLING IN THE LAND THEY WANT TO OBTAIN FROM THE BLM HIGH-QUALITY LAND PRESENTLY USED VERY APPROPRIATELY BY WILDLIFE, AND LAND THAT ACTS AS A BUFFER BETWEEN THE MINE SITE AND JOSHUA TREE NATIONAL PARK.

17-59

IF THE PROJECT GOES FORWARD -- AND I HOPE IT DOESN'T -- I SUBMIT THAT KAISER AND THE MINE RECLAMATION CORP. SHOULD ONLY USE THE EXISTING MINE LAND, WHICH WOULD GIVE THEM ALMOST 60 YEARS OF OPERATION. THEN IF AFTER 50 YEARS OR SO THEIR PREDICTIONS OF NEED ARE STILL CORRECT, WE CAN DISCUSS THE IDEA OF TRANSFERRING THE BLM DUMP AND INCREASING THE SIZE OF THE DUMP.

YOU'RE PROBABLY ALL GOING, "OH, MY GOD."

THE FACT IS, HOWEVER, IT IS VERY PROBABLE OUR TECHNOLOGY WILL HAVE ELIMINATED OUR NEED FOR EAGLE MOUNTAIN ENTIRELY IN FIVE OR 10 YEARS, OR EVEN NOW. KAISER KNOWS THIS. WILL THEY GIVE BACK THE BLM LAND IF THEY DON'T NEED IT? I DOUBT IT VERY MUCH.

Response to Comment 17-58

See Response to Comment 26-7.

Response to Comment 17-59

As discussed in Section 2.1.6 of the EIS/EIR, construction and operation of the proposed landfill will be implemented in five contiguous phases, generally from west to east. Each landfill phase will be separated into subphases to facilitate construction of the liner system and to optimize operations. The commenter is referred to pages 2-45 and 2-46 of the Draft EIS/EIR for a detailed discussion of the timing and duration of each subphase.

Much of the first 2 phases of landfilling will be in areas where mining overburden has been placed. The east pit is used beginning early in Phase III or about 30 years into the Project.

OTHERS HAVE MENTIONED OUT-OF-STATE DUMPERS. I THINK WE SHOULD BE WARY OF WHAT KAISER ACTUALLY HAS IN STORE FOR US. I ASK THE BLM TO SERIOUSLY EXAMINE THE NO ACTION ALTERNATIVE. GIVEN TIME, I'M CERTAIN WE'LL FIND NO NEED FOR THIS DUMP. THANK YOU.

17-60

(APPLAUSE.)

THE REPORTER: I NEED TO CHANGE THE TAPE.

MR. ROUNTREE: WE HAVE TO CHANGE THE TAPE. IF WE COULD JUST TAKE ABOUT A 60-SECOND STAND-UP BREAK.

(A SHORT RECESS WAS TAKEN.)

MR. ROUNTREE: TAKE YOUR SEATS, PLEASE. IF YOU FOLKS WOULD TAKE YOUR SEATS, PLEASE. I WOULD LIKE TO ASK YOU LADIES AND GENTLEMEN -- ALL RIGHT, FOLKS, GET SERIOUS WITH THE MICROPHONE NOW. COME ON, THIS IS OUR TIME. LET'S GO, FOLKS. THIS IS YOUR TIME. LET'S GET SOME OF THESE CONCERNS EXPRESSED.

I WOULD LIKE TO ASK THOSE OF YOU -- MR. BERGER, IF YOU'RE STILL AROUND, IF YOU HAVE COPIES OF YOUR PRESENTATION, IF YOU WOULD PLEASE GIVE THEM TO THE REPORTER. THAT WAY SHE CAN ENSURE THAT THERE IS AN ACCURATE RECORD OF WHAT YOU SAID. I'M SURE SHE'LL GET IT ALL, BUT IT'S JUST ONE OTHER CHECK THAT SHE HAS AVAILABLE TO HER, SO IF YOU WOULD, PLEASE PROVIDE US WITH COPIES OF YOUR PRESENTATION.

I WOULD LIKE TO CONTINUE, IF I COULD, PLEASE, THE ORAL TESTIMONY THIS EVENING.

Response to Comment 17-60

The stated goal of the proposed Project is to serve the seven-county Southern California region with needed long-term waste disposal capacity. The Project has no plans to accept out-of-state or international wastes or waste from outside the seven-county area described in the EIS/EIR. The Draft and Final EIS/EIR contain a thorough evaluation of each alternative to the proposed Project, including the No Action Alternative.

CHRISTINE SAMONS.

BY MS. CHRISTINE SAMONS: I'M CHRISTINE SAMONS AND I'M FROM PALM DESERT. AND I JUST WANT TO GO ON RECORD AS BEING AGAINST THE PROJECT. AND ACTUALLY, I QUESTION THE WHOLE PROCESS. I'M SURPRISED WE'RE STILL HERE. AND I JUST WANT TO SAY AGAIN IT'S RIDICULOUS TO PUT THE LANDFILL NEXT TO THE NATIONAL PARK. 17-61

MY BACKGROUND -- ACTUALLY, WE HAVE TWO WELLS IN THE DESERT CENTER AREA, SO I'M REALLY CONCERNED ABOUT THE WATER QUALITY, AND I KNOW EVENTUALLY IF THE DUMP IS APPROVED IT WILL RUIN THE WATER OUT THERE. AND IN CALIFORNIA, I THINK WATER IS REALLY IMPORTANT. IT'S NOT THE CHEESE (SIC), AS RICK DANIELS WOULD SAY, IT'S THE WATER.

MY BACKGROUND IS -- WELL, WE DO HAVE LAND IN DESERT CENTER AND PALM DESERT, SO WE'RE CONCERNED ABOUT THE COACHELLA VALLEY, TOO. AND I'M KIND OF EMBARRASSED AND ASHAMED OF OUR LOCAL POLITICIANS AND OUR QUASI ENVIRONMENTALISTS DOWN THERE. WHEN THEY HEARD ABOUT THE LANDFILL, I DON'T THINK THEY WERE CONCERNED ABOUT THE LANDFILL, REALLY, THEY JUST SAW IT AS A WAY TO GET MONEY, AND THEY WERE REALLY GREEDY, AND ALL THEY CARE ABOUT IS THE DOLLAR A TON TIPPING FEE.

I TRY TO ATTEND MEETINGS OF THE MOUNTAIN CONSERVANCY. I WAS AMAZED AT THE PEOPLE THAT WERE THERE WERE COUNTY SUPERVISORS, BLM, THEY REALLY DIDN'T WANT TO HEAR FROM PEOPLE WHO CARED ABOUT THE ENVIRONMENT. IT'S LIKE IT WAS A SET-UP DEAL. I DON'T KNOW WHEN THE MOUNTAIN CONSERVANCY WAS ORIGINATED, BUT SOMEHOW IT'S KIND OF LIKE IT WAS MADE JUST FOR THIS DEAL. I DON'T KNOW, IT JUST SEEMS THAT WAY TO ME.

Response to Comment 17-61

Comment acknowledged.

BUT, LET'S SEE-- I DO WANT TO MAKE A POINT. I'M JUST TOTALLY AMAZED. I UNDERSTAND THERE'S AN APPRAISAL OF THE TOWNSITE AND EAGLE MOUNTAIN, AND IT'S 108,000 FOR 460 ACRES. I WONDER WHY THEY DIDN'T TAKE INTO ACCOUNT THE IMPROVEMENTS AND INFRASTRUCTURE THERE, AND EVEN IF THEY 17-62 TOTALLY IGNORED ALL OF THE IMPROVEMENTS ON THE PROPERTY, WHY WOULDN'T THEY CONSIDER THE INCOME THERE? I UNDERSTAND THE PRISON PAYS 60- OR 70- OR MAYBE $80,000 A MONTH RENT THERE. SOMEONE MUST BE GETTING IT, AND THAT'S GOOD INCOME.

I THINK ANYONE IN CALIFORNIA THAT HAD THE MONEY -- THEY PROBABLY HAVE MORE MONEY THAN MRC -- WOULD BE INTERESTED IN THAT PROPERTY. I THINK IT SHOULD BE OPENED UP MAYBE TO PUBLIC BID. AND IF THAT LAND IS OWNED BY TAXPAYERS OR THE PUBLIC OR THE BLM, AND YOU'RE REPRESENTING THAT PROPERTY, I THINK A FAIR APPRAISAL SHOULD BE MADE.

IT JUST DOESN'T SEEM FAIR. IF ED HASTY (PH) OWNED THAT PROPERTY, OR IF YOU OR I PERSONALLY OWNED THAT PROPERTY, WE WOULD HAVE A REAL PROBLEM WITH THAT APPRAISAL; I REALLY THINK YOU WOULD.

AND THAT'S, I GUESS, ALL I HAVE TO SAY TONIGHT. I'M STILL WORKING ON MY WRITTEN COMMENTS. IT'S GREAT TO BE HERE AND I REALLY SUPPORT JOSHUA TREE NATIONAL PARK. AND -- OH, I KNOW. I KIND OF WONDER AND I JUST HAVE TO ASK THIS

Response to Comment 17-62

As referenced in the Draft EIS/EIR (see, e.g., Section 2.1.1), the land exchange must be made in accordance with the requirements of the Federal Land Policy and Management Act of 1976 (as amended) and implementing regulations, which include the requirement of an appraisal of both the Offered and Selected Lands. Appraisals were previously performed on the Offered and Selected lands, and those appraisals have been updated and reviewed by the BLM. See Appendix V and General Response 4. Kaiser owns the approximately 461 acres in and around the Townsite covered by PL 790, subject to a reversionary interest of the United States in that land. Kaiser financed and built all of the improvements on the site. The reversionary interest will be removed (i.e., conveyed) by the BLM as part of the land exchange. BLM and Kaiser have agreed that Kaiser will pay the full value for the land to BLM (without the Kaiser financed improvements) as if BLM holds title, in order to remove the reversionary interest. At the BLM's request, the previous appraisal included in the value of the Selected Lands the underlying fee simple value of these lands without the Kaiser-owned improvements. The updated appraisal will also value the land as "fee" lands, not merely as a reversionary interest.

17-63

QUESTION: IS THERE ANY RIVALRY BETWEEN THE BLM AND THE NATIONAL PARK SYSTEM? I'M JUST KIND OF CURIOUS. I MEAN, YOU GUYS ARE SITTING IN A POSITION TO DO THIS TO THE PARK SERVICE, AND THEY KNOW BETTER THAN YOU, MAYBE. MAYBE YOU SHOULD DEFER THIS TIME AND LET THEM HAVE SOME SAY.

I DON'T KNOW IF MY TIME IS UP. THE ONLY REASON I ASK THIS QUESTION -- NOT THE ONLY REASON, BUT I'M TRYING TO FIGURE OUT WHY THE BLM SEEMS TO BE HOLDING THE HAND OF THE PROPONENTS OF THIS PROJECT. AND WHEN PUBLIC LANDS ARE BEING EXPLOITED AND RAIDED WITH THE HELP OF GOVERNMENT EMPLOYEES, THEN IT'S TIME FOR INVESTIGATION.

ANYHOW, MAYBE YOU COULD ADDRESS THAT AND TELL US HOW MEMBERS OF THE PUBLIC COULD GET THAT LOOKED AT OR INVESTIGATED, OR WHO WOULD WE WRITE TO --

MR. ROUNTREE: I WOULD WRITE TO THE DISTRICT OFFICE, IF THAT'S A QUESTION THEY CAN ANSWER

MS. SAMONS: I GUESS THAT'S ABOUT IT. THANK YOU.

(APPLAUSE.)

MR. ROUNTREE: THANK YOU, MS. SAMONS.

LEONARD HOPKINS.

BY MR. LEONARD HOPKINS: MY NAME IS LEONARD

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YATES & ASSOCIATES (800) 669-1866

Response to Comment 17-63

BLM and NPS have worked closely together from the outset of this Project as cooperating agencies.

HOPKINS. I LIVE IN JOSHUA TREE. I REPRESENT MYSELF AND MY FAMILY. JUST A COUPLE OF SHORT COMMENTS.

MAYBE WE'RE LOOKING AT SOME OF THESE THINGS FROM THE WRONG END. SOMEBODY MENTIONED THAT ULTIMATELY MEXICO WAS GOING TO SEND TRASH BACK HERE. IF YOU LOOK AT IT LIKE THAT, FROM LOS ANGELES, THE TRASH THAT'S COMING HERE FROM LOS ANGELES DIDN'T ORIGINATE IN LOS ANGELES. SO IF WE'RE GOING TO ACCEPT THEIR TRASH, WHY CANNOT WE ACCEPT MEXICO'S OR JAPAN'S OR ANYBODY ELSE'S TRASH?

17-64

THAT TRASH WAS SHIPPED IN THERE IN THE FORM OF BOXES, AND IF ALL THE OTHER WASTE -- EVERYTHING THAT GOES TO LOS ANGELES EVENTUALLY BECOMES TRASH, EVERYTHING. EVERYTHING, INCLUDING -- BUT THE POINT I'M TRYING TO MAKE IS, IT ISN'T THIS TRASH CAME FROM SOMEWHERE ELSE TO L.A., FOR THE APPROVAL OF L.A. WHAT I'M TRYING TO POINT OUT IS, THAT'S THE RESPONSIBILITY OF THE LOS ANGELES PEOPLE, NOT OURS OUT HERE.

THE OTHER THING IS -- IT WAS JUST SLIGHTLY BRUSHED OVER -- LIKE I FEEL, AND I'M SURE A LOT OF THE PEOPLE I'VE HEARD SPEAK TONIGHT FEEL THE SAME WAY -- THIS IS JUST BEING BRUSHED OVER IN GENERAL BUREAUCRATIC FASHION. WE'RE BEING GIVEN LITTLE BITTY BITS.

Response to Comment 17-64

See Response to Comment 17-4.

JUST A LITTLE SHORT REMINDER. IT WAS MENTIONED THAT IF THEY FILLED THAT SHAFT OUT THERE, THEY WILL BE MAYBE 17-65 REDUCING THE BAT POPULATION IN THIS DESERT.

AS FAR AS I'M CONCERNED THE MOST IMPORTANT MAMMAL IN THIS DESERT, SAVE FOR MY BROTHERS AND SISTERS, IS BATS.

AND IT'S NOT JUST GOING TO KILL EVERY BAT THAT INHABITS THAT MINE. AND HAS ANYBODY COUNTED THEM TO SEE HOW MANY TENS OR HUNDREDS OR THOUSANDS OR HUNDREDS OF THOUSANDS OR MILLIONS OF BATS THAT COULD BE IN THAT PARTICULAR PLACE? ONE OF THE THINGS THAT KEEPS OUR DESERT ALMOST INSECT-FREE -- EXCEPT FOR NIGHT-FLYING BUZZARDS -- IS BATS. ARE WE GOING TO JUST KILL THEM? THAT KIND OF THING NEEDS TO BE APPLIED TO EVERYTHING THAT YOU PEOPLE ARE INTENDING TO DO.

AND YES, THERE IS A CONFLICT BETWEEN BLM AND THE NATIONAL PARK. THEY MUST BE LISTENED TO. IT MUST HAVE SURE 17-66 HURT SOME OF BLM'S MANAGEMENT AND THE BUREAU OF THE INTERIOR. WHEN THEY EXPANDED THIS PARK, IT TOOK ONE HECK OF A LOT OF TERRITORY FROM THE BLM, AND THAT WITHOUT EVER THE MONEY TO PAY FOR IT.

THIS THING NEEDS TO BE A CONCERTED EFFORT BETWEEN THE UNITED STATES GOVERNMENT, THE STATE GOVERNMENT, THE COUNTY GOVERNMENT AND FOR THE PEOPLE. IT'S OUR GOVERNMENT, IT'S OUR LAND. LEAVE IT ALONE.

(APPLAUSE.)

MR. ROUNTREE: THANK YOU FOR YOUR COMMENTS, MR. HOPKINS.

Response to Comment 17-65

A discussion of impacts to bats currently occupying the Kaiser adit and other structures at the mine site is included in Section 4.7.3.2. Direct mortality of bats is not anticipated from the Project (the Kaiser adit would not be filled) and, therefore, there would be no impact on the insect population. Rather, potential impacts to the bat population could result from disturbance and/or changes in the environmental conditions inside the adit after about 15 to 20 years of landfill operation as a result of filling around the adit. Bats have been monitored for several years with up to several dozen individuals (fewer than 100) being detected during any monitoring interval. This count, however, is not necessarily an enumeration of the population using the adit. Mitigation for loss of habitat is included in Section 4.7.3.3 of the Draft EIS/EIR. Additional information on mitigation for impacts to bats is included in Responses to Comments 20-4 through 20-31, and the Responses to Comments 1-8 and 8-10.

Response to Comment 17-66

Comment acknowledged.

IRENE DIAMOND.

BY MS. IRENE DIAMOND: MY NAME IS IRENE DIAMOND. I'M A CANDIDATE FOR TOWN COUNCIL IN YUCCA VALLEY. 17-67

IT PLEASES ME DEEPLY TO KNOW AND TO SEE SUCH A WONDERFUL TURNOUT THIS EVENING WITH ALL THE PEOPLE HERE, AS WELL AS ALL THE PEOPLE IN OUR ENTIRE SOUTHWESTERN CALIFORNIA AREA, OR ALL OF CALIFORNIA. BECAUSE WE THE PEOPLE ARE THE GOVERNMENT. THIS IS OUR LAND. THIS IS MY COUNTRY. AND BELIEVE ME, IT MAY BE MY LAST BREATH SOMETIME IN THE FUTURE, OR NOW, THAT IT WILL NOT -- WE WILL NOT ALLOW PEOPLE WHO ARE GREEDY, BEASTLY, TYRANNICAL, TREACHEROUS, TO TAKE AWAY OUR FREEDOMS. THAT'S WHY I WAS BORN INTO THIS COUNTRY, IN CHICAGO, ILLINOIS. AND THIS IS WHY I AM HERE TODAY. I KNOW I HAVE A MISSION, AND IT MUST BE PERFORMED.

IT PLEASES ME TO SAY -- TO SPEAK THIS EVENING AND REALLY APPLAUD ALL THE INDIVIDUALS WHO HAVE HAD THE COURAGE OF YOUR CONVICTIONS TO COME TO THIS MEETING, THIS PLANNED HEARING THIS EVENING AND TO BE HEARD. WE ARE NOT GOING TO ALLOW ANY POLITICIAN TO PUT US DOWN, TO STEAL FROM US. I BELIEVE IN THE COALITION FOR POLITICAL HONESTY BECAUSE I HAVE HAD INTEGRITY AND HONOR IN MY LIFE AND I'M NOT FOR SALE, AND I NEVER HAVE BEEN. MY GOAL IS TO SEE THAT WE THE PEOPLE ARE FREE, THAT WE WILL CONTINUE TO BE FREE.

ONE OF THE BIGGEST NEGATIVE CONSEQUENCES COULD BE THE POTENTIAL FOR GROUNDWATER CONTAMINATION, AND CONTAMINATION WOULD HURT AND HARM EVERY BODY, EVERY PHYSICAL BODY, AND THE HEALTH AND THE WELFARE OF SENIOR CITIZENS, OF CHILDREN AND GRANDCHILDREN. AND THAT'S MY MAIN OBJECTIVE, TO

Response to Comment 17-67

See Response to Comment 17-54.

KEEP US HEALTHY AND NOT ALLOW THIS TYPE OF CONTAMINATION TO ENTER INTO OUR SYSTEM, INTO OUR BODIES. BECAUSE WE ARE ALL SO PERFECT AND WONDERFUL.

IT ALSO BRINGS TO MY THOUGHT WHEN MRS. FEINSTEIN, WHO HAS TONS OF MONEY, AND HER HUSBAND, AS AN ATTORNEY, HAS TONS OF MONEY, DECIDED TO GO AHEAD WITH THE CREATION OF OUR MONUMENTS INTO PARKS. NOW I DO BELIEVE WE SEE THE REASON AND PURPOSE FOR HER BEHAVIOR AT THAT TIME. IT'S THE -- THE WHOLE IDEA WAS TO TAKE OVER OUR PROPERTIES, OUR LAND, WHICH BELONGS TO WE THE PEOPLE. BLM IS OUR LAND, ALL OF THIS IS OURS. WE THE PEOPLE ARE THE GOVERNMENT, NOT SOMEONE ELSE UP THERE IN WASHINGTON, D.C.

AND IF AT THIS APPROPRIATE MOMENT AND TIME IS GOOD FOR ME TO TELL YOU I HAVE A 1-800 NUMBER FOR WASHINGTON, 17-68 D.C., AND YOU MUST WRITE IT DOWN AND CALL AND LET YOUR VIEWS BE HEARD. LET THEM LISTEN TO US. THAT'S WHY WE ALL HAVE EARS AND THAT'S WHY WE HAVE A MOUTH TO SPEAK, SO THAT WE THE PEOPLE WILL BE HEARD. THEY WILL KNOW THAT WE WILL DEFEAT THIS PURPOSE OF GREED, AS WE DID IN YUCCA VALLEY. WE ABOLISHED THE -- WHAT WAS IT -- MANDATORY TRASH PICKUP.

THANK YOU.

Response to Comment 17-68

See General Response 4.

ALL RIGHT. CALL 1-800, 962-3524. AND CALL FEINSTEIN AND TELL HER HOW WE FEEL. LET'S BE BRAVE LET'S HAVE THE COURAGE OF OUR CONVICTIONS. 1-800, 962-3524. WHEN AN OPERATOR ANSWERS, KINDLY SPEAK GENTLY AND SOFTLY AND SAY, "WILL YOU PLEASE DIRECT MY CALL TO MRS. FEINSTEIN FROM CALIFORNIA," AND THEN TELL HER OR WHOEVER ANSWERS THE PHONE EXACTLY WHAT WE FEEL, HOW WE FEEL, AND WHAT WE DON'T WANT.

IT SEEMS TO ME -- AGAIN, IT APPEARS TO ME THAT WHEN WE HAVE EXECUTIVES IN THE VARIOUS CORPORATIONS, THEY ARE THE CULPRITS, THEY ARE THE THIEVES. WHEN DON'T WANT TO BE KIND OR GENEROUS TO THEIR EMPLOYEES, THEY CUT AND THEY CHEAT. THEY HAVE TO LEARN THAT NO ONE TAKES ANYTHING WITH THEM WHEN THEY LEAVE THIS EARTH. WE COME IN WITH NOTHING AND WE LEAVE WITH NOTHING. BUT THERE IS THIS WORD CALLED KARMA. THAT MEANS EVERYONE MUST PAY AS THEY PLAY THE GAME. THERE'S NO ESCAPE.

MR. ROUNTREE: MS. DIAMOND, COULD YOU PLEASE SUMMARIZE.

MS. DIAMOND: YES, I WILL NOW SUMMARIZE.

ONCE AGAIN, IT PLEASES ME TO SEE THAT WE THE PEOPLE ARE NOW GOING TO USE OUR CONSTITUTIONAL RIGHTS FOR WHAT IS RIGHTFULLY OURS. DURING MY LIFETIME OF HARD WORK, DEALING WITH PEOPLE, I HAVE NOW COME TO THE POINT THAT I CAN SAY I'M THE RICHEST WOMAN IN THE WORLD. WHY? BECAUSE I HAVE FOUND PEACE, HONOR, INTEGRITY, HONESTY, LOVE. I HAVE FOUND -- ACTUALLY, I HAVE FOUND HEAVEN HERE AND NOW.

WITH THAT, I WILL CLOSE. AND THANK YOU AND GOD BLESS EVERYONE.

(APPLAUSE.)

MS. DIAMOND: FOR CLOSING I AM A PERFECT CHILD OF GOD AND MY LIFE IS IN DIVINE ORDER. THANK YOU. GOD BLESS.

MR. ROUNTREE: THANKS, MS. DIAMOND.

EMILY SAMONS.

BY MS. EMILY SAMONS: MY NAME IS EMILY SAMONS AND I LIVE IN PALM DESERT NOW. I WAS BORN IN PALM SPRINGS, GREW UP IN DESERT CENTER, AND THEN PALM DESERT.

I JUST WANTED TO GO ON THE RECORD AS BEING AGAINST THE DUMP. MY FRIENDS AND I, IN HIGH SCHOOL, WE WOULD HIKE A LOT. WE STILL HIKE ALL OVER THE VALLEY. AND WE ALWAYS JUST 17-69 REALLY ENJOYED THE CLEAN AIR QUALITY. A LOT OF THEM HAVE GONE TO DIFFERENT AREAS IN CALIFORNIA AND OTHER STATES, AND WHEN THEY COME BACK, THEY ALWAYS WANT TO GO OUT AND ENJOY THE AIR QUALITY THAT WE HAVE HERE. THEY CAN DRINK THE WATER THAT WE HAVE HERE. AND I THINK THAT'S RARE. IT REALLY IS -- IT'S SOMETHING WE NEED TO HOLD ON TO.

I THINK IT'S A SHAME THAT WE'RE EVEN CONSIDERING THIS SO CLOSE TO JOSHUA TREE. IT JUST REALLY BOTHERS ME BECAUSE WE ARE THE ONES WHO -- YOU KNOW, NOT THE RETIREES, 17-70 NOT THE PEOPLE THAT -- FROM RIVERSIDE, FROM FONTANA, YOU KNOW, WE ARE THE ONES THAT ARE GOING TO HAVE TO DEAL WITH THIS. AND I THINK THAT'S ALSO RIDICULOUS, THAT WE WOULD EVEN CONSIDER COMMENTS FROM SOMEONE WHO RESIDES IN RIVERSIDE, WHICH IS ALREADY -- YOU KNOW, THEIR AIR QUALITY IS SHOT ALREADY, AND THE WATER ISN'T, YOU KNOW, MUCH BETTER.

OF COURSE, THEY MIGHT CARE ABOUT WHAT HAPPENS TO US

Response to Comment 17-69

Comment acknowledged.

Response to Comment 17-70

Neither CEQA nor NEPA restricts or specifies what members of the public may or may not review, comment upon, or otherwise be involved in EIS/EIR proceedings.

DOWN HERE. BUT THE PEOPLE WHO LIVE DOWN HERE, THE PEOPLE WHO WANT TO, YOU KNOW, CREATE A LIFE HERE IN THE VALLEY OR WANT TO CONTINUE THE LIFE THAT THEY HAVE ALREADY, YOU KNOW, STARTED DOWN HERE, WE'RE THE ONES THAT ARE GOING TO SUFFER FOR THIS. SO THAT'S SOMETHING, I THINK THAT WE REALLY NEED

TO CONSIDER, AND THE BLM NEEDS TO CONSIDER. THANKS.

(APPLAUSE.)

MR. ROUNTREE: THANK YOU, MS. SAMONS.

D.J. MASKER.

BY MS. J.D. MASKER: MY NAME IS D.J. MASKER.

MR. ROUNTREE: LADIES AND GENTLEMENT, IF WE COULD, PLEASE.

17-71 MS. MASKER: ARE WE READY? I'M REPRESENTING MYSELF AS WELL AS THE MORONGO BASIN CONSERVATION ASSOCIATION. THAT ASSOCIATION HAS BEEN ACTIVE FOR IN EXCESS OF 27 YEARS, AND THEY ARE CERTAINLY CONCERNED WITH THE ENVIRONMENT. THEY RECOGNIZE THAT THE RIGHTS OF THE PEOPLE, RIGHTS OF THE SPECIES AND PLANTS, ET CETERA, ARE RAPIDLY FADING, AND WE'RE OUT HERE AT EVERY BECK AND CALL TO TRY AND ENLIGHTEN THE PEOPLE AND GET THE YOUTH INVOLVED IN THE ENVIRONMENT AND TO CARRY ON AND SAY, WE CAME HERE BECAUSE WE WANT THE AREA TO BE AS IT IS.

I GUESS I HAVE TO DEVIATE HERE NOW AND COMMENT FOR MYSELF, BECAUSE THIS CERTAINLY IS NOT THE OPINION OF THE M.B.C.A., MORONGO BASIN CONSERVATION ASSOCIATION.

I CANNOT UNDERSTAND WHY BLM WOULD EVEN THINK OF DISCUSSING THE POSSIBILITY OF GIVING OR SELLING 3,500 ACRES TO SOMEBODY THAT WANTS TO PUT TRASH IN THE AREA. WHAT IS WRONG WITH THESE COMPANIES, WHO MAKE MEGABUCKS COLLECTING GARBAGE, GOING ON THEIR OWN? WHY DO THEY HAVE TO INTERFERE WITH THE PUBLIC LAND AND THE PUBLIC'S RIGHT TO HAVE THIS

Response to Comment 17-71

Comment acknowledged.

STUFF? IT JUST IS AMAZING THAT THEY THINK THAT THEY HAVE A FEW DOLLARS AND HEY, WE CAN SWAP THIS OR THAT.

WE HAD THE SAME THING WITH -- THE THING AT AMBOY. THE ONE AT BOLO WE GOT INTO WHO'S GOING TO SWAP LAND. AND I THINK IT WAS JUST A COUPLE OF ACRES, AND WE GOT VERY, VERY UPSET. TO TALK ABOUT THOUSAND OF ACRES IS JUST UNBELIEVABLE.

TO THE GENTLEMAN THAT SPOKE HERE ABOUT THE TRASH THAT GOES INTO L.A. COMES FROM SOMEWHERE ELSE, YOU BET IT DOES. IT'S GENERATED EVERY TIME WE BUY A PRODUCT. THAT IS WHERE WE HAVE TO START OUR FIRST RECYCLING MEASURES. IF YOU BUY A REFRIGERATOR, IT'S UP TO THAT MANUFACTURER TO SOMEHOW GET THAT BOX BACK. AND YOU BET THESE MANUFACTURERS ARE GOING TO LEARN DOGGONE QUICK FIGURE OUT HOW TO PACKAGE AND NOT GIVE US ALL THAT EXTRANEOUS PACKING AND WHATEVER.

THE CEREAL PEOPLE HAVE FINALLY DECIDED THAT THEY DON'T NEED THOSE BIG BOXES OF CEREAL. I GUESS THEY'RE GOING TO COME OUT WITH PLASTIC NOW. ISN'T THAT A REVELATION AFTER HOW MANY YEARS?

I DON'T KNOW THAT THERE'S -- I REGRET THAT THIS IS ALL NEGATIVE TONIGHT. EVERYBODY HERE, I THINK SO FAR, IS NOT FOR THE DUMP. AND THAT'S UNFORTUNATE, THAT WE HAVE TO COME OUT IN THIS KIND OF NUMBERS AND SAY WE DON'T WANT IT. WHY ISN'T IT ALREADY KNOWN? I CAN'T IMAGINE THAT OF ALL THE NUTS THAT ARE PROPOSED IN OUR AREA, THAT THIS IS NOT UNDERSTOOD FROM THE GIT-GO. IMPOSSIBLE. THANK YOU.

(APPLAUSE.)

MR. ROUNTREE: THANK YOU, MS. MASKER.

WE'VE REACHED THE END OF THE PUBLIC COMMENT PERIOD. AT LEAST I DON'T HAVE ANY ADDITIONAL PEOPLE SIGNED UP FOR PUBLIC COMMENT.

ALL RIGHT, THANK YOU.

IS THERE ANYONE ELSE THAT WOULD BE INTERESTED IN SPEAKING AFTER MR. SMITH?

MR. SMITH, YOU HAVE THE FLOOR.

BY MR. JERRY SMITH: WELL, MY NAME IS JERRY SMITH, AND I LIVE IN YUCCA VALLEY EAST OF TWENTYNINE PALMS. I AM VERY IMPRESSED WITH THE CONTENT OF THE TESTIMONY THAT I HAVE HEARD TONIGHT. I'M JUST REAL PROUD OF EVERYONE. AND WHAT I WANT TO TALK TO YOU ABOUT IS, I'M REALLY NOT AGAINST THE MINE RECLAMATION PEOPLE, IF WE HAD GOOD REPRESENTATION OF OUR AGENCIES. I THINK, YOU KNOW, IF SOMEONE WANTS TO PUT A DUMP IN AND OUR AGENCIES WERE FUNCTIONING PROPERLY, WE WOULDN'T HAVE TO BE HERE. OUR AGENCIES HAVE UTTERLY FAILED.

AND A POINT I WOULD LIKE TO MAKE, TO EMPHASIZE, THIS IS A HAZARDOUS WASTE DUMP, IT IS LICENSED. IT WAS LICENSED BY FIVE SUPERVISORS. OKAY, THESE SUPERVISORS WERE GIVEN THE INFORMATION THAT THE ENVIRONMENTAL IMPACT REPORT WAS A VERY GOOD REPORT, IT WAS VALID, ET CETERA. I DON'T THINK ANY OF THE SUPERVISORS READ THE REPORT. THE PERSON THAT RECOMMENDED THAT THE ENVIRONMENTAL IMPACT REPORT WAS GOOD CONFESSED TO ME THAT HE HAD NOT EVEN READ IT. THIS GUY

17-72

17-73

Response to Comment 17-72

Comment acknowledged.

Response to Comment 17-73

The comment is incorrect. As discussed in the Project Description, the proposed Project is a Class III landfill for nonhazardous municipal solid waste.

WAS WITH THE HEALTH DEPARTMENT, SAN BERNARDINO. FURTHERMORE, HE DIDN'T KNOW IF ANY OF HIS PEOPLE HAD READ IT. NOW, THIS GETS PRETTY SCARY.

OKAY, WE NOW HAVE THE ENVIRONMENTAL IMPACT REPORT. I THINK I WANT TO TALK ABOUT MAGIC. (LAUGHTER.) MAGIC, STAGE IS DONE WITH MIRRORS AND SMOKE AND SO FORTH. I THINK THAT'S WHAT THIS IS. SPECIFICALLY, SINCE I'M LIMITED IN TIME, I WOULD LIKE TO TALK ABOUT THE WATER QUALITY.

NOW, ACCORDING TO THIS, THIS IS NOT GOING TO BE A PROBLEM. WE'RE GOING TO HAVE A LINER. OKAY, HIGH-DENSITY POLYETHYLENE LINER HAS NO TRACK RECORD OF LASTING FOR HUNDREDS OF YEARS. IT DOES HAVE A TRACK RECORD OF DEGRADING OVER A VERY SHORT PERIOD OF TIME. 17-74

THE EMPHASIS I REALLY WANT TO MAKE AT THIS TIME IS TOILET PAPER HAS A SPECIFICATION. THE LINER SYSTEM, THE POLYETHYLENE LINER SYSTEM HAS NO SPECIFICATION WHATSOEVER. THEY CAN GET RAW MATERIALS FROM 10, 15 DIFFERENT MANUFACTURERS. THIS IS FORMULATED WITH CARBON AND ET CETERA, AND SO FORTH. IT CAN END UP WITH 10,000 DIFFERENT POLYETHYLENE LINERS GOING FROM, YOU KNOW, VERY HIGH-GRADE TO VERY LOW-GRADE. THERE'S NOTHING THAT SAYS, YOU KNOW, WHAT IT'S MADE OF, HOW IT'S MADE, WHAT ITS DURABILITY IS.

AND WITH THAT I WOULD LIKE TO CLOSE. THANK YOU VERY MUCH.

(APPLAUSE.)

MR. ROUNTREE: THANK YOU.

Response to Comment 17-74

In reference to the comment concerning durability of the liner, the liner system design presented in the Draft EIS/EIR will have excellent durability. The Draft EIS/EIR states, in Section 4.1.2.1, that studies have concluded that the service life of an HDPE geomembrane in a properly designed and constructed municipal solid waste landfill is expected to exceed the time period in which leachate and gas would be produced. Moreover, the landfill design does not rely solely on the integrity of the HDPE geomembrane to provide long-term protection of the groundwater. This integrity is just one factor that affects the long-term effectiveness of the landfill containment systems. Other major factors include the arid site conditions (which will result in negligible long-term leachate production), the design of the final cover system and its ability to be maintained, and the use of soil materials with negligible long-term degradation potential as a component of the composite liner systems.

With respect to the comment regarding the lack of a material specification for the HDPE geomembrane, it is noted that material specifications and CQA plans for the geomembrane will be prepared for each landfill subphase and submitted to the RWQCB for review and approval, as described in Section 2.1.6.1 of the Draft EIS/EIR. The specifications and CQA plan will require that quantitative physical tests be performed to demonstrate that the geomembrane meets durability and performance standards consistent with the Project requirements. This process should ensure that appropriate HDPE geomembrane products are used in the liner system.

ANYONE ELSE WHO WOULD LIKE TO MAKE A STATEMENT BEFORE WE CLOSE WHO DIDN'T CHECK THE BOX, WHO DIDN'T SIGN UP?

UNKNOWN SPEAKER: CAN WE HAVE A SECOND TURN? MAY I PLEASE HAVE A SECOND TURN?

MR. ROUNTREE: DO YOU HAVE ANY INFORMATION YOU'D LIKE TO OFFER? YES, SIR.

BY MR. SEAN CLAY: HI, MY NAME IS SEAN CLAY, AND I'M HERE REPRESENTING HALF A PARTNERSHIP OF A LITTLE COMPANY IN YUCCA VALLEY CALLED DESERT GOLD. WHAT WE'RE TRYING DO IS PROMOTE OUR AREA AS A PLACE FOR TOURISTS TO COME AND SPEND THEIR DOLLARS AND HAVE A GOOD TIME AND GO HOME AND TELL THEIR FRIENDS TO COME BACK HERE NEXT YEAR.

FROM MY UNDERSTANDING, THAT IN THE NEXT FEW YEARS THIS PARK IS GOING TO GO FROM 1.5 MILLION VISITORS TO OVER 4 MILLION VISITORS A YEAR. AND ONE OF THE THINGS THAT THEY ARE GOING TO DO, IS THEY'RE GOING TO COME OUT AND GO HIKING, AND THEY'RE GOING TO COME OUT HERE FOR THE CLEAN AIR AND THINGS THAT THEY CAN'T GET BACK IN THE BIG CITY.

17-75

THEY ARE GOING TO COME HERE FROM ALL OVER THE WORLD AND THEY ARE GOING TO HAVE A GREAT EXPERIENCE, AND THEY'RE GOING TO GO BACK TO THEIR COUNTRIES, AND THEIR IMPRESSIONS OF THE UNITED STATES IS GOING TO BE WHAT THEY HAVE HAD IN THIS PARK. NOW, ARE THEY ARE GOING TO COME OUT HERE AND SMELL THE GARBAGE IN THE MORNING WHEN THEY WAKE UP AND SAY, "WELL, GEE, YOU KNOW, IT'S JUST LIKE WHEN WE LEFT, I COULDN'T SEE A THING. GOT UP IN THE MORNING AND THE RAVENS CAME AND ATE MY

Response to Comment 17-75

Comment acknowledged.

SANDWICH RIGHT OUT OF MY HAND. THERE'S DEAD TURTLES EVERYWHERE."

YOU KNOW, WE'VE GOT TO THINK WHAT WE HAVE HERE. WE HAVE THE POTENTIAL OF HAVING A GOLD MINE, NOT A TRASH MINE. WE CAN BRING IN THESE PEOPLE FROM AROUND THE WORLD, LET THEM HAVE A GOOD TIME, LET THEM SEE WHAT THE DESERT LIFE IS ABOUT. WE'RE NOT A CAT BOX. DON'T USE US FOR ONE.

THANK YOU.

(APPLAUSE.)

MR. ROUNTREE: ANYONE ELSE WHO'D WOULD LIKE TO SPEAK?

MS. IONA CHELETTE: THANK YOU FOR THE SECOND TURN.

MR. ROUNTREE: STATE YOUR NAME, PLEASE.

BY MS. IONA CHELETTE: MY NAME IS IONA CHELETTE OF JOSHUA TREE. I'M A MEMBER OF VARIOUS ORGANIZATIONS. I THINK THE MESSAGE THAT THE BLM SHOULD BE UNDERSTANDING IS NO DUMPS, PERIOD, IN THIS AREA OF THE DESERT. WE'RE GROWING ALL THE TIME, AND WE ARE BUILDING A POLITICAL MACHINE. WE ARE GETTING PERSONALIZED LETTERS FROM THE CLINTON ADMINISTRATION, AND THE MESSAGE IS NO DUMPS, PERIOD, PLEASE. THANK YOU.

MR. ROUNTREE: THANK YOU.

WELL, IT LOOKS LIKE WE HAVE COME TO THE END OF OUR SPEAKERS. LIKE MANY OF THE SPEAKERS, I WOULD LIKE TO THANK ALL OF YOU FOR ATTENDING THIS MEETING TONIGHT, TAKING TIME FROM YOUR BUSY SCHEDULES DURING THE DAY TO COME OUT AND TELL US YOUR VIEWS AND SAYING YOUR PIECE.

17-76

Response to Comment 17-76

Comment acknowledged.

AS I MENTIONED EARLIER, IF ANY OF YOU DO HAVE WRITTEN COMMENTS THAT YOU MAY NOT HAVE GIVEN US, MAKE SURE YOU DO GIVE THEM TO US TO MAKE SURE THAT WE DO HAVE AN ACCURATE RECORD OF WHAT YOU WANTED TO SAY. AND I'D JUST LIKE TO ASSURE YOU THAT THE ORAL COMMENTS RECEIVED TONIGHT ARE GOING TO BE CONSIDERED WITH EQUAL WEIGHT AS ANY WRITTEN COMMENTS THAT WE WILL BE GETTING DURING THE COURSE OF THE E.I.S.

WITH THAT, I'D LIKE TO GO AHEAD AND CLOSE THE PUBLIC HEARING. THANK YOU ALL VERY MUCH FOR SHOWING UP THIS EVENING.

(HEARING CONCLUDED AT 7:55 P.M.)

I, CAROLYN ANN PETERSON, CSR NO. 3195, DO HEREBY CERTIFY:

THAT SAID HEARING WAS TAKEN DOWN BY ME IN SHORTHAND AT THE TIME AND PLACE THEREIN NAMED AND THEREAFTER REDUCED TO COMPUTERIZED TRANSCRIPTION UNDER MY DIRECTION.

I FURTHER CERTIFY THAT I AM NOT INTERESTED IN THE EVENT OF THE ACTION.

WITNESS MY HAND THIS 21ST DAY OF AUGUST, 1996.

CAROLYN ANN PETERSON,
C.S.R. NO. 3195

COMMENT STATEMENT 18

CERTIFIED COPY

EAGLE MOUNTAIN LANDFILL

AND

RECYCLING CENTER PROJECT

BUREAU OF LAND MANAGEMENT

HEARING

AUGUST 8, 1996

TAKEN AT RIVERSIDE MUNICIPAL AUDITORIUM

3485 MISSION INN AVENUE

RIVERSIDE, CALIFORNIA

YATES & ASSOCIATES
CERTIFIED COURT & DEPOSITION REPORTERS
73-255 EL PASEO / SUITE 15
PALM DESERT, CA 92260-4276
619 / 341-4431
FAX 619 / 568-9338

MEMBERS OF CALIFORNIA COURT REPORTERS ASSOCIATION AND NATIONAL SHORTHAND REPORTERS ASSOCIATION

I N D E X

APPEARANCES:

JULIE DOUGAN, AREA MANAGER
PALM SPRINGS-COAST RESOURCE AREA

CARL ROUNTREE, HEARING OFFICER
BUREAU OF LAND MANAGEMENT, SACRAMENTO OFFICE

TOM PETERS, CH2M HILL
CHRISTINE ROBERTS, CH2M HILL

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RIVERSIDE, CALIFORNIA, THURSDAY, AUGUST 8TH, 1996

4:00 P.M.

MS. DOUGAN: GOOD AFTERNOON. IF YOU WOULD PLEASE TAKE A SEAT WE WILL BEGIN.

AGAIN, GOOD AFTERNOON. I'M JULIA DOUGAN, THE BUREAU OF LAND MANAGEMENT AREA MANAGER FOR THE PALM SPRINGS-SOUTH COAST RESOURCE AREA. THANK YOU ALL FOR COMING TO PARTICIPATE IN THE PUBLIC COMMENT PROCESS ON THE ENVIRONMENTAL IMPACT STATEMENT AND REPORT FOR THE EAGLE MOUNTAIN LANDFILL PROJECT.

THE HEARING TONIGHT WILL BE RUN BY A HEARING OFFICER. I'LL TURN IT OVER TO HIM IN JUST A MINUTE TO EXPLAIN THE PROCESS. WE WILL HAVE A SHORT PRESENTATION ON THE PROJECT, THEN WE'LL MOVE ON TO PUBLIC COMMENTS. AND WE WOULD LIKE TO BE FINISHED BY PROBABLY 7:00 O'CLOCK, IF POSSIBLE. SO NOW I'D LIKE TO INTRODUCE CARL ROUNTREE, WHO WILL BE YOUR HEARING OFFICER TONIGHT.

MR. ROUNTREE: GOOD AFTERNOON, LADIES AND GENTLEMEN. I APPRECIATE YOU TAKING THE TIME TO ATTEND THIS HEARING.

MY NAME, AS JULIA SAID, IS CARL ROUNTREE. I'M WITH THE BUREAU OF LAND MANAGEMENT'S SACRAMENTO STATE OFFICE IN SACRAMENTO. I'M THE ASSISTANT DIRECTOR FOR THE ECOSYSTEMS, SCIENCES AND LAND UNIT IN THAT OFFICE. I WOULD LIKE TO CALL THIS PUBLIC HEARING TO ORDER THIS AFTERNOON.

THIS IS A PUBLIC HEARING FOR THE DEPARTMENT OF INTERIOR'S BUREAU OF LAND MANAGEMENT. I'D WOULD LIKE TO EMPHASIZE THAT THIS HEARING IS BEING CONDUCTED THIS AFTERNOON TO RECEIVE INFORMATION, YOUR VIEWS, YOUR COMMENTS AND YOUR SUGGESTIONS ON THE ADEQUACY OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT, THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE EAGLE MOUNTAIN LANDFILL AND RECYCLING CENTER.

THIS DOCUMENT WAS PREPARED BY THE BUREAU OF LAND MANAGEMENT AND THE COUNTY OF RIVERSIDE UNDER CONTRACT WITH CH2M HILL. FOLLOWING MY OPENING REMARKS A BRIEF PRESENTATION WILL BE MADE BY TOM PETERS FROM CH2M HILL ABOUT THE LANDFILL PROJECT. AFTER MR. PETERS COMPLETES HIS PRESENTATION I WILL BE CALLING ON INDIVIDUALS WHO HAVE SIGNED UP TO MAKE COMMENTS AT THIS HEARING.

THE EAGLE MOUNTAIN DRAFT ENVIRONMENTAL IMPACT STATEMENT AND REPORT WAS OFFICIALLY RELEASED BY THE BUREAU OF LAND MANAGEMENT FOR REVIEW ON SEPTEMBER 12, 1996, AND THE NOTICE OF AVAILABILITY FOR THE DOCUMENT WAS PUBLISHED IN THE FEDERAL REGISTER ON JULY 12, 1996. A 60-DAY PUBLIC COMMENT PERIOD IS NOW UNDER WAY. WITH THE EXCEPTION OF THE COMMENTS THAT ARE RECEIVED AT THE PUBLIC HEARINGS, COMMENTS WILL BE ACCEPTED ONLY IN WRITING THROUGH SEPTEMBER 17, 1996. COMMENTS MUST BE EITHER SUBMITTED TO THE BUREAU OF LAND MANAGEMENT'S DISTRICT OFFICE IN RIVERSIDE OR THE PLANNING DEPARTMENT FOR RIVERSIDE COUNTY, IN RIVERSIDE AS WELL.

A TOTAL OF FOUR PUBLIC HEARINGS ARE BEING HELD IN

CONJUNCTION WITH THE RELEASE OF THIS DOCUMENT. THREE HAVE ALREADY BEEN HELD, ONE AUGUST THE 5TH AT DESERT CENTER, AUGUST THE 6TH IN PALM SPRINGS, LAST NIGHT AT YUCCA VALLEY, AND THE FOURTH THIS AFTERNOON IN RIVERSIDE.

A HANDOUT CONTAINING THE LOCATIONS OF THESE, IF YOU ALL ARE INTERESTED IN THAT, IS AVAILABLE AT THE SIGN-UP DESK. ADDITIONAL HEARINGS WILL BE CONDUCTED BY THE COUNTY OF RIVERSIDE BEFORE THE COUNTY PLANNING BOARD AND BOARD OF SUPERVISORS ON THE FINAL ENVIRONMENTAL IMPACT STATEMENT AND REPORT AND COUNTY LAND USE ENTITLEMENTS AFTER THE FINAL DOCUMENT HAS BEEN PUBLISHED.

THE PURPOSE OF THESE HEARINGS IS TO PROVIDE YOU WITH THE OPPORTUNITY TO VERBALLY ADDRESS THE CONTENT OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT AND REPORT FOR THE EAGLE MOUNTAIN LANDFILL PROJECT. WE WILL NOT BE ANSWERING QUESTIONS AT THIS HEARING. IF YOU HAVE ANY QUESTIONS ABOUT THE PROJECT, PLEASE ADDRESS THEM IN WRITING TO EITHER THE BUREAU OF LAND MANAGEMENT'S OFFICE IN RIVERSIDE OR THE PLANNING DEPARTMENT FOR RIVERSIDE COUNTY. YOUR RESPONSES WILL BE ANSWERED FORMALLY IN WRITING WITHIN A SHORT PERIOD OF TIME.

AT THIS TIME, THEN, I WOULD LIKE TO TURN THE FLOOR OVER TO MR. TOM PETERS WHO WILL PRESENT AN OVERVIEW OF THE PROPOSED PROJECT. TOM.

MR. PETERS: THANK YOU, CARL.

CAN EVERYBODY HEAR ME OKAY? GOOD AFTERNOON. MY

NAME IS TOM PETERS. I'M THE PROJECT MANAGER FOR CH2M HILL, THE FIRM WHICH IS PRIMARILY RESPONSIBLE FOR PREPARING THE ENVIRONMENTAL IMPACT STATEMENT. OUR PRIMARY PURPOSE TODAY IS TO HEAR FROM YOU. MY PRESENTATION IS GOING TO BE VERY BRIEF.

THE THINGS I WOULD LIKE TO COVER TODAY INCLUDE A BRIEF HISTORY OF THE ENVIRONMENTAL IMPACT STATEMENT FOR THE EAGLE MOUNTAIN PROJECT, A DESCRIPTION OF THE PROCESS THAT IS CURRENTLY UNDERWAY FOR THE ENVIRONMENTAL IMPACT STATEMENT, A BRIEF DESCRIPTION OF THE PROJECT, AND A SUMMARY OF THE ALTERNATIVES THAT WERE DISCUSSED IN THE ENVIRONMENTAL DOCUMENT.

IN 1992, RIVERSIDE COUNTY CERTIFIED THE ENVIRONMENTAL IMPACT REPORT. THERE ARE TWO AGENCIES. THE FEDERAL AGENCY IS THE BUREAU OF LAND MANAGEMENT, AND THE COUNTY LEAD AGENCY FOR CEQA OR CALIFORNIA ENVIRONMENTAL QUALITY ACT PURPOSES, IS RIVERSIDE COUNTY.

IN 1993, THE BLM RECORDED ITS RECORD OF DECISION, WHICH IS A DESCRIPTION OF ITS CONSIDERATION OF THE VARIOUS ALTERNATIVES IN THE ENVIRONMENTAL IMPACT STATEMENT. ALSO IN 1992, WHEN RIVERSIDE COUNTY CERTIFIED THE ENVIRONMENTAL IMPACT REPORT. A LAWSUIT WAS FILED IN THE STATE COURT CHALLENGING THE ENVIRONMENTAL REPORT. IN 1994, THAT LAWSUIT WAS SETTLED AND THE COURT DIRECTED THAT SEVERAL ADDITIONAL ISSUES BE CONSIDERED FURTHER AND ADDITIONAL ENVIRONMENTAL ANALYSIS.

THE FIRST WAS THAT SEISMIC ACTIVITY AND THE POTENTIAL IMPACTS OF EARTHQUAKES BE CONSIDERED IN THE ENVIRONMENTAL DOCUMENT. THE SECOND WAS THE EFFECTIVENESS OF THE MEASURES TO PROTECT THE DESERT TORTOISE FROM IMPACTS TO BE FURTHER CONSIDERED. A THIRD WAS THE POTENTIAL IMPACTS TO WHAT WAS THEN JOSHUA TREE NATIONAL MONUMENT, AND WHAT IS NOW JOSHUA TREE NATIONAL PARK, BE FURTHER CONSIDERED.

A FOURTH DIRECTIVE OF THE COURT WAS TO CONDUCT ADDITIONAL HAZARDOUS WASTE SURVEYS ON THE SITE, DOCUMENT WHETHER OR NOT THERE ARE ANY EXISTING HAZARDOUS WASTES ON THE EAGLE MOUNTAIN LAND SITE.

A FIFTH AREA THE COURT DIRECTED BE STUDIED FURTHER WAS THE TOWNSITE. AND AS MANY OF YOU KNOW, THE TOWNSITE IS THE OLD -- THE FORMER AND CURRENT EAGLE MOUNTAIN TOWNSITE WHICH AT ONE TIME HAD AS MANY IS 3,700 PEOPLE AND SUPPORTED THE MINING ACTIVITY.

AND LAST, THE COURT, AMONG OTHER THINGS, DIRECTED THAT THE CUMULATIVE IMPACTS OF THE PROJECT BE DISCUSSED. AND THAT SPECIFICALLY INCLUDED CONSIDERING IMPACTS OF ANOTHER PROPOSED PROJECT THAT IS KNOWN AS THE EAGLE CREST ENERGY CORPORATION HYDROELECTRIC PROJECT.

IN JULY OF 1995 -- OR '96, CULMINATING IN MORE THAN A YEAR AND A HALF OF WORK AND ADDITIONAL STUDIES, THE DRAFT ENVIRONMENTAL IMPACT STATEMENT WAS PUBLISHED AND CIRCULATED TO PUBLIC AGENCIES AND THE GENERAL PUBLIC IN MID-JULY. WE ARE NOW IN THE MIDDLE, AS CARL MENTIONED, OF A 60-DAY REVIEW

PROCESS, WHERE YOUR COMMENTS ARE BEING TAKEN AND WILL BE CONSIDERED BY THE BUREAU OF LAND MANAGEMENT AND RIVERSIDE COUNTY IN THEIR FUTURE DELIBERATIONS.

THE PURPOSE OF THIS ENVIRONMENTAL IMPACT STATEMENT IS TO ADDRESS THE IMPACTS OF THE EAGLE MOUNTAIN PROJECT AND THE RECYCLING CENTER. THE PROJECT INCLUDES A NUMBER OF DIFFERENT ELEMENTS WHICH I'LL DISCUSS IN JUST A MINUTE. AGAIN, THIS IS A JOINT DOCUMENT; IT'S A JOINT FEDERAL ENVIRONMENTAL IMPACT STATEMENT AND ENVIRONMENTAL IMPACT REPORT. THE BUREAU OF LAND MANAGEMENT IS THE LEAD AGENCY FOR THE E.I.S. AND RIVERSIDE COUNTY IS THE LEAD AGENCY FOR THE E.I.R.

THE PROCESS BEGAN WITH THE PREPARATION AND DISTRIBUTION OF THE ENVIRONMENTAL IMPACT STATEMENT AND IMPACT REPORT. COMMENTS AND WRITTEN TESTIMONY ARE NOW BEING TAKEN OVER THE NEXT 60 DAYS. COMMENTS THIS EVENING WILL BE CONSIDERED ALONG WITH ANY WRITTEN COMMENTS THAT ARE RECEIVED OVER THE NEXT TWO MONTHS.

A FINAL ENVIRONMENTAL IMPACT STATEMENT AND IMPACT REPORT WILL BE ISSUED WHICH INCLUDES ALL OF THE COMMENTS THAT ARE PRESENTED THIS EVENING, ALL OF THE WRITTEN COMMENTS THAT ARE SUBMITTED DURING THE COURSE OF THIS REVIEW PERIOD, AND RESPONSES PREPARED FOR EACH OF THOSE INDIVIDUAL COMMENTS.

THEN FOLLOWING CONSIDERATION BY RIVERSIDE COUNTY OF THE DOCUMENTS LATER THIS FALL, AND THE CONSIDERATION BY THE BLM AND ITS RECORD OF DECISION, THE PROCESS WILL BE

COMPLETED. SO AGAIN, RIVERSIDE COUNTY WILL BE HOLDING ADDITIONAL HEARINGS LATER THIS FALL.

VERY BRIEFLY, THE PROJECT COMPRISES THREE MAIN FEATURES. THE FIRST IS THE LANDFILL, ITSELF. THE SECOND IS A SERIES OF LAND EXCHANGES THAT WILL OCCUR BETWEEN KAISER AND THE BUREAU OF LAND MANAGEMENT. KAISER OWNS MUCH OF THE PROPERTY OUT THERE, AND A SERIES OF LAND EXCHANGES THAT ARE SUMMARIZED IN THE ENVIRONMENTAL DOCUMENT THAT WILL TAKE PLACE PRIOR TO ANY LANDFILL.

THE THIRD COMPONENT OF THE PROJECT IS THE RENOVATION AND REPOPULATION OF THE TOWNSITE. AND AGAIN, THE ENVIRONMENTAL DOCUMENT GIVES A VERY DETAILED DESCRIPTION OF WHAT IS INCLUDED IN THAT.

THE LANDFILL WILL ACCEPT PRIMARILY WASTE BY RAIL. IT WILL ACCEPT SOME WASTE BY TRUCK, BUT THE PRIMARY MODE OF TRANSPORTATION WILL BE BY RAIL. THE LANDFILL WILL INCREMENTALLY INCREASE THE AMOUNT OF WASTE THAT COMES INTO THE SITE, ULTIMATELY COMING TO A CAPACITY OF 20,000 TONS PER DAY. AGAIN, INITIALLY THERE WILL BE MUCH LESS WASTE THAN THAT, AND OVER A PERIOD OF YEARS THE WASTE WILL BE RACKED UP.

THE LANDFILL, ITSELF, COMPRISES ABOUT 4,654 ACRES. THE ACTUAL LANDFILL FOOTPRINT OR THE AREA THAT COMPRISES THE LANDFILL ACTIVITY IS ABOUT HALF THAT AMOUNT OF ACREAGE.

ONE OF THE COMMENTS THAT CAME UP EARLY IN THE REVIEW DURING SCOPING HEARINGS ABOUT A YEAR AND A HALF AGO,

WAS A QUESTION ABOUT LANDFILL CAPACITY. THE ENVIRONMENTAL DOCUMENT ANALYSES THE EXISTING PERMITTED CAPACITY THAT EXISTS WITHIN SEVEN COUNTIES OF SOUTHERN CALIFORNIA. SO THE DOCUMENT HAS A COMPLETE DESCRIPTION OF PERMANENT LANDFILL CAPACITY, AND ANALYZES LONG-TERM NEED BASED ON THE PROJECTION OF EACH OF THE SEVEN COUNTIES.

WHAT THE DOCUMENT CONCLUDES IS THAT THERE WILL BE A MID-TERM AND LONG-TERM CAPACITY SHORTFALL; THAT IS, AS THE AMOUNT OF CAPACITY DECREASES WITH TIME, AS ADDITIONAL WASTE IS BROUGHT TO THE LANDFILLS THAT EXIST NOW, THERE WILL BE A SHORTFALL CAPACITY STARTING WITHIN JUST A FEW YEARS. AND BEYOND THAT, THE CAPACITY INCREASES GREATLY OVER TIME, AS THE SHORTFALL.

THE PLANNED RENOVATION AND REPOPULATION OF THE TOWNSITE INCLUDES THE DEVELOPMENT OF THE 429-ACRE AREA THAT IS THERE NOW. AND THE ENVIRONMENTAL DOCUMENT INCLUDES A DETAILED DESCRIPTION OF 12 PLANNING AREAS WITHIN THE TOWNSITE THAT DIVIDES THE AREA UP INTO RESIDENTIAL, COMMERCIAL AND OTHER TYPES OF USES.

IN THE ENVIRONMENTAL IMPACT STATEMENT PROCESS, ONE OF THE REQUIREMENTS IN THE DOCUMENTS IS TO ANALYZE A SERIES OF ALTERNATIVES TO THE PROPOSED ACTION. AGAIN, THE PROPOSED ACTION INCLUDED THE TOWNSITE REPOPULATION, A SERIES OF LAND EXCHANGES, AND THE LANDFILL DEVELOPMENT. ONE OF THE FIRST ALTERNATIVES THAT IS REQUIRED BY LAW TO BE EXAMINED IS THE NO ACTION ALTERNATIVE, AND THAT MEANS NOT DOING THE PROJECT.

ANOTHER ALTERNATIVE EXAMINED IS THE REDUCED VOLUME ALTERNATIVE, WHICH LOOKS AT DEVELOPING THE LANDFILL AT 16,000 TONS PER DAY RATHER THAN 20,000 TONS PER DAY.

ANOTHER ALTERNATIVE IS THE ALTERNATIVE ACCESS ROAD ALTERNATIVE. THIS LOOKS AT USING KAISER ROAD AS AN ACCESS POINT IN LIEU OF AN IMPROVED EAGLE MOUNTAIN ACCESS ROAD, EAGLE MOUNTAIN ROAD ACCESS, WHICH IS PART OF THE PROPOSED PROJECT.

THERE IS ALSO AN ALTERNATIVE THAT CONSIDERS DEVELOPING LANDFILL ON KAISER LAND ONLY, AND AN ALTERNATIVE THAT CONSIDERS LANDFILL DEVELOPMENT BUT NOT REDEVELOPING THE TOWNSITE.

IN THE BEGINNING OF THE ENVIRONMENTAL REVIEW PROCESS THERE WERE A WHOLE RANGE OF OTHER ALTERNATIVES THAT WERE INITIALLY ANALYZED, BUT EVENTUALLY ELIMINATED FROM FURTHER CONSIDERATION FOR LOTS OF REASONS THAT ARE OUTLINED IN THE DOCUMENT. THESE ALTERNATIVES INCLUDE DEVELOPING THE LANDFILL ON OTHER KAISER PROPERTY, LOOKING AT WASTE DIVERSION AS AN ALTERNATIVE FOR LANDFILLING, COMPOSTING, DEVELOPING THE LANDFILL AT OTHER OFF-SITE LOCATIONS, AND DEVELOPING OTHER TOWNSITE LOCATIONS.

FOR EACH OF THE ALTERNATIVES EXAMINED IN THE ENVIRONMENTAL IMPACT STATEMENT AND IMPACT REPORT THERE ARE A SERIES OF IMPACTS MITIGATION MEASURES THAT ARE SUMMARIZED. WE HAVE SUMMARIES AT THE TABLE AT THE ENTRYWAY TO THE AUDITORIUM WHICH BRIEFLY DESCRIBE EACH OF THE ALTERNATIVES,

THE IMPACTS ASSOCIATED WITH THEM, AND THE MEASURES TAKEN TO MITIGATE THE IMPACTS.

IN THE CASE OF THE PROPOSED ACTION, THERE ARE A FEW IMPACTS THAT CANNOT BE FULLY MITIGATED DESPITE ALL THE MITIGATION MEASURES THAT HAVE BEEN PROPOSED. THE FIRST IS IMPACTS TO AIR QUALITY. THERE ARE FEDERAL AND STATE AMBIENT AIR QUALITY STANDARDS THAT EXIST THAT DESCRIBE CERTAIN LEVELS OF EMISSIONS THAT CANNOT BE EXCEEDED. AND THE PROBLEM IN THE DESERT IS THAT THESE AIR QUALITIES STANDARDS ARE ALREADY IN VIOLATION, AND ANY ADDITIONAL IMPACT THAT OCCURS OUT IN THAT AREA IS THEREFORE A SIGNIFICANT IMPACT. SO DESPITE ALL THE MITIGATION MEASURES TO REDUCE THE EMISSIONS AS MUCH AS POSSIBLE, THERE IS STILL A SIGNIFICANT IMPACT TO AIR QUALITY BECAUSE OF THAT EXISTING VIOLATION.

THERE ARE ALSO BATS THAT INHABIT THE EAGLE MOUNTAIN MINE SHAFT THAT EXISTS AT THE MINE. AS THE LANDFILL DEVELOPS, THE ACTIVITIES SURROUNDING THE LANDFILL DEVELOPMENT WILL LIKELY DRIVE BATS AWAY FROM THE AREA. SO THAT IS CONSIDERED A SIGNIFICANT IMPACT. THE POPULATIONS OF THESE BATS ARE DECLINING ALL OVER SOUTHERN CALIFORNIA FOR REASONS THAT AREN'T CLEAR TO EVERYBODY. BUT THE FACT IS THAT THE POPULATIONS AT THE SITE WILL LIKELY BE REDUCED AS THE BATS GO TO OTHER PLACES. THE BATS ARE NOT ON THE VERY ENDANGERED SPECIES LIST OF EITHER THE FEDERAL OR STATE GOVERNMENT, BUT THE POPULATIONS WILL BE REDUCED.

A THIRD IMPACT IS THE POTENTIAL IMPACTS TO THE

WILDERNESS EXPERIENCE. FOR THOSE WHO USE THE WILDERNESS AREAS OF JOSHUA TREE NATIONAL PARK, BECAUSE EACH PERSON'S WILDERNESS EXPERIENCE IS VERY SUBJECTIVE AND VERY DIFFERENT. THERE ARE NO CLEAR STANDARDS OR CLEAR WAYS TO IDENTIFY WHAT THAT WILDERNESS EXPERIENCE MEANS TO EACH PERSON. SO THE CONCLUSION IN THE DOCUMENT IS THAT THERE WILL POTENTIALLY BE ADVERSE IMPACTS TO SOME INDIVIDUALS WHO EXPERIENCE THE WILDERNESS AREA.

AND FINALLY THERE ARE A SERIES OF CUMULATIVE IMPACTS THAT ARE DISCUSSED, THAT DESCRIBE THE POTENTIAL IMPACTS, ASSUMING THE LANDFILL PROJECT AND OTHER PROJECTS SUCH AS THE HYDROELECTRIC PROJECT PROCEED CONCURRENTLY. SO THOSE, AGAIN, ARE SUMMARIZED. THERE IS A SUMMARY IN THE ENTRYWAY AND IN THE DOCUMENT ITSELF.

THERE ARE SOME COPIES OF THE ENVIRONMENTAL IMPACT STATEMENT TEXT AVAILABLE FOR THOSE WHO WANT TO GET A COPY. THE TECHNICAL APPENDICES HAVE ALSO BEEN PRODUCED AND PROVIDED ALONG WITH THE E.I.S. AT 20 PUBLIC LIBRARIES AND OTHER PUBLIC PLACES THROUGHOUT SOUTHERN CALIFORNIA, PRINCIPALLY IN RIVERSIDE AND SAN BERNARDINO. YOU CAN FIND THESE AT MOST PUBLIC LIBRARIES IN EACH OF THE MAJOR CITIES. WE CAN REPRODUCE EXTRA COPIES OF THE TECHNICAL APPENDICES AT COST FOR THOSE WHO CANNOT GET TO THE LIBRARIES AND WHO WISH TO GET A COPY.

I THINK THAT'S IT, CARL. I'LL TURN IT BACK TO YOU.

MR. ROUNTREE: THANK YOU, TOM, I APPRECIATE YOUR COMMENTS.

AT THIS TIME I WOULD LIKE TO BEGIN ACCEPTING ORAL TESTIMONY, ORAL COMMENTS ON THE EAGLE MOUNTAIN LANDFILL PROJECT. FOR THOSE OF YOU WHO HAVE JUST COME IN, IF YOU PLAN TO MAKE A STATEMENT OR COMMENT DURING THE PERIOD OF THESE HEARINGS, PLEASE BE SURE TO SIGN IN. THE SIGN-IN SHEET THAT MANY OF YOU SIGNED CONTAINS A BOX TO CHECK IF YOU WISH TO MAKE A PUBLIC COMMENT. ONLY THOSE PEOPLE WHO ARE SIGNED UP TO MAKE PUBLIC COMMENTS WILL BE CALLED.

EVEN IF YOU DO NOT PLAN TO COMMENT, WE WOULD ASK THAT YOU FILL OUT ONE OF THESE SHEETS SO THAT WE CAN KEEP AN ACCURATE COUNT OR ACCURATE ATTENDANCE LIST OF THOSE OF YOU WHO DID ATTEND.

THE OFFICIAL RECORDER, CAROLYN PETERSON TO MY LEFT, WILL BE PREPARING A VERBATIM TRANSCRIPT OF EVERYTHING THAT IS SAID THIS AFTERNOON AT THIS HEARING. IF YOU WISH TO OBTAIN A COPY OF THE TRANSCRIPT, YOU SHOULD MAKE YOUR OWN ARRANGEMENTS WITH MS. PETERSON AND HER FIRM AFTER THE HEARING. COPIES OF THE TRANSCRIPT SHOULD BE AVAILABLE 10 DAYS TO TWO WEEKS AFTER TODAY'S HEARING.

TO ENSURE AN ACCURATE AND A COMPLETE RECORD OF THIS HEARING, ONLY ONE PERSON AT A TIME WILL BE PERMITTED TO SPEAK. I WOULD RESPECTFULLY ASK THAT THE REST OF YOU HOLD YOUR COMMENTS AND ALLOW THAT PERSON TO EXPRESS THEIR OPINIONS AND THEIR COMMENTS DURING THAT TIME. DURING THE HEARING ONLY

THE DESIGNATED SPEAKERS WILL BE RECOGNIZED. TO ASSIST MS. PETERSON, I WOULD ALSO ASK THAT AS YOU APPROACH THE MICROPHONE, IF YOU WOULD, PLEASE STATE YOUR NAME FOR THE RECORD, YOUR ADDRESS, AND WHATEVER AFFILIATION YOU MIGHT BE REPRESENTING.

WE DON'T HAVE -- WELL, I TAKE THAT BACK. BECAUSE OF THE NUMBER OF PEOPLE THAT ARE SIGNED UP TO COMMENT THIS AFTERNOON, WE WILL GO AHEAD AND USE A FIVE-MINUTE RULE, GIVING EACH SPEAKER FIVE MINUTES IN WHICH TO EXPRESS THEIR CONCERNS, THEIR COMMENTS AND ANY OF THEIR SUGGESTIONS. WE DO HAVE SOMEONE HERE, CHRISTINE ROBERTS -- CHRISTINE IS IN THE BACK. SHE HAS A ONE-MINUTE SIGN THAT SHE WILL PLACE IN FRONT OF THE LECTERN HERE TO LET YOU KNOW THAT THERE IS ONE MINUTE LEFT IN YOUR PRESENTATION AND GIVE YOU A CHANCE TO SUMMARIZE.

IF WE HAVE TIME AT THE END OF THE TIME THIS EVENING FOR EVERYONE WHO WANTS TO SPEAK AND PEOPLE HAVE ADDITIONAL COMMENTS THEY WOULD LIKE TO MAKE OR FOR SOME REASON DID NOT GET THROUGH THEIR COMMENTS, WE WILL GO AHEAD AND ALLOW AN ADDITIONAL FIVE MINUTES FOR YOU TO SAY WHAT IT IS YOU HAVE TO SAY.

I WOULD ALSO LIKE TO POINT OUT THAT WRITTEN COMMENTS WILL ALSO BE ACCEPTED AS SUBSTITUTES FOR ORAL COMMENTS OR AS A MEANS OF SUPPLEMENTING WHAT IT IS YOU HAVE TO SAY. WRITTEN COMMENTS SHOULD BE SUBMITTED TO ME AT THE END OF THE HEARING OR MAILED DIRECTLY TO THE BLM IN RIVERSIDE

OR THE COUNTY OF RIVERSIDE PLANNING DEPARTMENT IN RIVERSIDE AS WELL. THE ADDRESSES FOR BOTH AGENCIES' OFFICES CAN BE OBTAINED AT THE TABLE THROUGH THE DOOR THAT YOU ENTERED.

FOR THOSE OF YOU WHO ARE ALSO INTERESTED IN KNOWING, THESE COMMENTS ARE GOING TO BE CONSIDERED AS A PART OF THE FINAL ENVIRONMENTAL IMPACT REPORT. THEY WILL BE CONSIDERED AND RESPONDED TO IN THAT REPORT AND CONSIDERED JUST LIKE WRITTEN COMMENTS AS WELL. AGAIN, A COPY OF THE TRANSCRIPT CAN BE RECEIVED IF YOU DO CHECK WITH THE RECORDER, MS. PETERSON, AND YOU CAN OBTAIN ONE THROUGH HER.

ARE THERE ANY QUESTIONS REGARDING THE PROCEDURES I HAVE COVERED? IF NOT, THEN I'D LIKE TO CALL THE FIRST SPEAKER, RON BITONTI.

BY MR. RON BITONTI: MY NAME IS RON BITONTI. I RESIDE AT 91217 PALO VERDE AVENUE, FONTANA, CALIFORNIA, ZIP CODE 92235. I WANT TO THANK YOU FOR AN OPPORTUNITY TO SPEAK AGAIN BEFORE YOU. I SPOKE THE OTHER NIGHT AT PALM SPRINGS. AND TODAY MY COMMENTS ARE SHORT AND I JUST WANT TO KIND OF CORRECT SOME THINGS THAT WERE SAID AT THAT MEETING.

18-1

I'M CHAIRMAN OF THE NEW KAISER VOLUNTARY EMPLOYEES ASSOCIATION. IT'S A NONPROFIT TRUST REPRESENTING SOME 7,000 RETIREES OF KAISER STEEL AND THEIR DEPENDENTS WHO LOST LIFETIME MEDICAL BENEFITS DURING THE BANKRUPTCY OF KAISER STEEL CORPORATION. AS RETIREES OF KAISER STEEL AND AS THE LARGEST SHAREHOLDER OF KAISER VENTURES, OUT INTEREST IN EAGLE MOUNTAIN IS QUITE SIMPLE.

Response to Comment 18-1

Comment acknowledged.

WE ARE THE PEOPLE WHO BUILT KAISER STEEL AND WORKED AT ITS PLANT IN FONTANA AND AT THE MINE AT EAGLE MOUNTAIN. MOST OF US SPENT OUR ENTIRE LIVES WORKING FOR KAISER. WE KNOW THE LANDSCAPE OF EAGLE MOUNTAIN AND THE QUALITY OF THE PEOPLE WHO PROPOSE TO BUILD AN ENVIRONMENTALLY-SUPERIOR LANDFILL THERE.

THE EAGLE MOUNTAIN LANDFILL PROJECT IS A GOOD PROJECT. NO, IT'S AN EXCELLENT PROJECT. IT'S EXCELLENT FOR THE ENVIRONMENT AND ITS EXCELLENT FOR THE THOUSANDS OF PEOPLE, NOT JUST THE RETIREES, WHO WILL BENEFIT FROM IT.

MY REMARKS TODAY ARE TO CORRECT ONLY A FEW OF MANY MISSTATEMENTS MADE BY OPPONENTS TO EAGLE MOUNTAIN.

NO. 1, THE EAGLE MOUNTAIN SITE IS NOT A PRISTINE DESERT. IT IS A SCARRED, GAPING HOLE CREATED BY OVER 40 YEARS OF MINING OPERATIONS. THE FEDERAL LANDS AROUND IT ARE 18-2 COVERED BY TONS OF MATERIAL REMOVED DURING THE MINING. BY COMPLETING THIS LAND EXCHANGE, THE BLM WILL BE FREE OF THIS LAND AND WILL RECEIVE THOUSANDS OF ACRES THAT ACTUALLY ARE PRISTINE AND ARE HOME FOR THREATENED SPECIES.

NO. 2, VEBA PROVIDES FOR MORE THAN A $4,000 DEATH 18-3 BENEFIT TO RETIREES. IN FACT, OVER THE PAST SEVEN YEARS, VEBA HAS RESTORED OVER $30 MILLION IN BENEFITS TO RETIREES AND THEIR DEPENDENTS.

3, VEBA IS ORGANIZED. KAISER RETIREES ARE ENTITLED 18-4 TO EXERCISE THE SAME RIGHTS THAT OPPONENTS TO THIS PROJECT DO. WE WILL CONTINUE TO ORGANIZE OUR SUPPORT AT PUBLIC

Response to Comment 18-2

Comment acknowledged.

Response to Comment 18-3

Comment acknowledged.

Response to Comment 18-4

Comment acknowledged.

HEARINGS AND TO OUR LEGISLATORS. WHY DO OPPONENTS OF EAGLE MOUNTAIN THINK THEIR RIGHTS ARE MORE IMPORTANT THAN THE RIGHTS OF 7,000 RETIREES?

4, KAISER AND MRC ALSO HAVE RIGHTS. IT'S THE RIGHT OF ANY PRIVATE PROPERTY OWNER TO DEVELOP HIS LAND IN AN ENVIRONMENTALLY AND ECONOMICALLY RESPONSIBLE WAY. WHY DO OPPONENTS WHO USE LESS THAN THREE ACRES THINK THEIR RIGHTS ARE MORE IMPORTANT THAN SOMEONE WHO OWNS OVER 11,000 ACRES?

I URGE THE BLM TO APPROVE THIS LAND EXCHANGE AND LET EAGLE MOUNTAIN GO FORWARD. THANK YOU. I HAVE A COPY FOR THE RECORD.

MR. ROUNTREE: THANK YOU, MR. BITONTI.

F.C. MORENO.

BY MR. F.C. MORENO: MY NAME F.C. MORENO. MY ADDRESS IS 4055 PARKVIEW TERRACE, RIVERSIDE, CALIFORNIA. I WAS BORN IN THE COUNTY OF RIVERSIDE IN A TOWN CALLED BLYTHE. I'M VERY FAMILIAR WITH THE PEOPLE THAT LIVE IN BLYTHE AND WHERE THEY WORK. I PRESENTED THE EAGLE MOUNTAIN PROJECT, THE PROS AND CONS OF THE ENVIRONMENTAL AND THE BENEFIT OF HAVING EAGLE MOUNTAIN BACK IN OPERATION AGAIN. THEY ARE GOING TO CREATE OVER 3,200 JOBS, NEW JOBS THAT PAY IN THE HIGH RANGE FROM $8 TO $15 AN HOUR. THERE IS NO PLACE AROUND THAT AREA, EXCEPT THE PRISON, THAT THEY HAVE THERE THAT PAY THAT TYPE OF MONEY.

IT IS IMPORTANT TO WEIGH BOTH THE ENVIRONMENT AND JOBS. TODAY, JOBS ARE MORE IMPORTANT BECAUSE EVERY DAY YOU

18

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18-5

18-6

Response to Comment 18-5

Comment acknowledged.

Response to Comment 18-6

Comment acknowledged.

LOSE THE GOOD JOBS AND YOU GET THE $5.00 JOBS. AS VOTERS, I BELIEVE THAT YOU SHOULD LOOK AT THIS, WHICH IS MORE IMPORTANT NOW, THE ENVIRONMENT OR JOBS FOR OUR CHILDREN, FOR OUR GRANDCHILDREN IN THE COUNTY OF RIVERSIDE? THE LAST BIG JOB THAT WE LOST HERE WAS MARCH AIR FORCE BASE. THOSE WERE GOOD-PAYING JOBS.

THERE IS NO SUPERVISOR OR ANYONE IN RIVERSIDE CAN TELL ME THAT THEY ARE GOING TO PRODUCE A JOB THAT IS GOING TO BE HERE OVER 100 YEARS. MOST ALL THE JOBS THAT HAVE BEEN CREATED AROUND RIVERSIDE COUNTY ARE JOBS THAT PAY $5 TO $6.00 AN HOUR. AND THIS IS AN OPPORTUNITY. IF YOU WEIGH BOTH FACTORS AND YOU REMEMBER THAT THE FEDERAL GOVERNMENT IS BY THE PEOPLE, FOR THE PEOPLE, AND THE PEOPLE WHO VOTE SHOULD HAVE A RIGHT TO DO BUSINESS AS LONG AS WE OBEY ALL THE LAWS.

I KNOW A LOT OF PEOPLE IN RIVERSIDE THAT ARE SUPPORTING IT, BECAUSE IT WILL HAVE A RIPPLE EFFECT ON THE DIFFERENT JOBS FROM HERE TO LOS ANGELES AND ORANGE COUNTY. SO THEY WILL CREATE JOBS. JOBS IS IMPORTANT.

I WANT TO BRING SOMETHING INTO THIS. THIS, TO ME, IS A POLITICAL SITUATION, IT'S BEYOND THE ENVIRONMENTAL, IT'S BEYOND TRYING TO CREATE JOBS. BECAUSE IN TODAY'S PAPER, MR. CUSTER, WHO IS A SUPERVISOR OF RIVERSIDE, GOT DONATIONS FROM THE LANDFILL THAT THERE GOING TO BUILD IN IMPERIAL COUNTY. SO REGARDLESS, IF YOU DO NOT APPROVE THIS PROJECT, THE COUNTY SUPERVISOR FROM RIVERSIDE GOT DONATIONS FROM THE ONE THAT THEY ARE GOING TO DO IN IMPERIAL VALLEY, AND

RIVERSIDE COUNTY WILL RECEIVE NO BENEFITS.

ANOTHER THING, THERE'S NO LANDFILL IN THE COUNTY OF RIVERSIDE THAT IS STATE OF THE ART LIKE THE ONE WE PLAN TO BUILD IN EAGLE MOUNTAIN. I CHALLENGE ANYONE TO TELL ME THAT THE LANDFILLS THAT WE HAVE NOW ARE SUPERIOR TO THE ONE THAT WE PLAN TO BUILD IN EAGLE MOUNTAIN.

FOR THIS REASON, I HOPE THAT WHEN YOU COMPLETE YOUR STUDY AND WEIGH ALL THE FACTORS, THAT MAYBE A HUMAN BEING THAT WANTS A JOB IS MORE IMPORTANT THAN THE ANIMALS AND THE VEGETATION THAT YOU ARE TRYING TO SAVE. YOU PUT IT OUT TO A VOTE TO THE PEOPLE AND LET THE PEOPLE DECIDE, EAGLE MOUNTAIN WILL BE RUNNING TODAY AND THE JOBS WILL BE CREATED.

ARE YOU LAUGHING AT ME? ARE YOU LAUGHING AT ME? I RESPECTED YOU WHEN YOU SPOKE. DID I INTERRUPT YOU?

MR. ROUNTREE: LET'S JUST GO AHEAD AND ADDRESS THE CHAIR, PLEASE. FOLKS, IF YOU WOULD, PLEASE HOLD IT DOWN, LET'S GIVE EVERYONE A CHANCE TO SPEAK, PLEASE.

MR. MORENO: I EXPECT THE SAME RESPECT FROM THE PUBLIC AS YOU EXPECT FROM US.

SO I HOPE THAT THIS PROJECT AND YOUR DECISION IS TO GO FORTH WITH THIS LAND EXCHANGE. THANK YOU VERY MUCH.

MR. ROUNTREE: THANK YOU, MR. MORENO.

FOLKS, LET'S KEEP OUR COMMENTS TO OUR OURSELVES UNLESS YOU ARE AT THE PODIUM ADDRESSING THE CHAIR, PLEASE.

MR. RAUL AVILA.

BY MR. RAUL AVILA: MY NAME IS RAUL AVILA. MY

18-7

18-8

Response to Comment 18-7

The Eagle Mountain Landfill will be the only landfill in Riverside County that will be completely lined in compliance with Subtitle D standards. Currently, portions of two Riverside County landfills have been constructed using single-composite liners consistent with Subtitle D standards.

Response to Comment 18-8

Comment acknowledged.

ADDRESS IS 11435 DAVIS, MORENO VALLEY. I'M A 63-YEAR-OLD RETIREE FROM THE CITY OF RIVERSIDE, BORN AND RAISED HERE IN THE COUNTRY AND THIS STATE AND THE CITY. I'M HERE AS A CONCERNED PERSON, CITIZEN AND TAXPAYER TO ENCOURAGE AND SUPPORT THE LAND EXCHANGE BETWEEN KAISER AND THE LAND BUREAU, BUREAU OF LAND MANAGEMENT, BLM.

WE ALL KNOW THE NEEDS OF THE LANDFILLS IN OUR COUNTRY, ESPECIALLY HERE IN SOUTHERN CALIFORNIA. NO MATTER WHERE THE LOCATION OF THE LANDFILL, PEOPLE ARE GOING TO COMPLAIN. IT DOESN'T MATTER IF YOU PUT IT IN THE MIDDLE OF THE DESERT, ON THE MOON, THROW TRASH IN THE MIDDLE OF THE OCEAN, THEY ARE GOING TO COMPLAIN.

BLM HAS THE AUTHORITY TO GRANT THIS EXCHANGE. YOU HOLD THE POWER OF THE STICK; YOU'VE GOT ALL THE POWER. AND I BELIEVE THAT THIS EXCHANGE WAS ONCE APPROVED. I MAY BE WRONG 18-9
BUT I THINK THAT IT APPROVED ONCE BEFORE. I'M ALSO SURE THAT BLM HAS WEIGHED THE PROS AND CONS OF HUNDREDS OF DOCUMENTS FROM ENGINEERS, EXPERTS, AS WELL AS FROM THE ENVIRONMENTALISTS TO HELP YOU GUYS DECIDE. THESE PEOPLE SPENT YEARS AND YEARS STUDYING.

MRC HAS BENT OVER BACKWARDS IN COMPLIANCE WITH THE CHANGES. THEY SPENT MILLIONS OF DOLLARS TO BRING IT UP -- TO LET IT BECOME STATE OF THE ART, THE BEST LANDFILL IN THE WORLD. WE NEED SOMETHING LIKE THAT HERE. WE ALL KNOW THAT. THEY'VE GOT A FEW BEAN FARMERS OUT THERE THAT ARE RAISING CANE.

Response to Comment 18-9

Comment acknowledged.

THESE PEOPLE HAVE STUDIED, INVESTIGATED, ANALYZED THIS PROJECT AND THE SITE. THE REPORTS HAVE BEEN POSITIVE AND IN FAVOR OF THIS PROJECT, AND ALSO OF THE LOCATION. EXPERTS COME OUT WITH REPORTS, THE BEST IN THE UNITED STATES (INAUDIBLE). MRC WILL AND HAS MADE ALL THE CORRECTIONS NEEDED FOR THE APPROVAL OF THIS PROJECT. WHAT'S THE PROBLEM?

IF AND WHEN THIS PROJECT IS APPROVED EVERYONE, ALL, RIVERSIDE, SOUTHERN CALIFORNIA, WILL ALL BENEFIT HANDSOMELY. ENVIRONMENTALISTS, I UNDERSTAND, WILL GET A DOLLAR PER TON. THESE ARE THE GUYS THAT ARE FIGHTING FOR THE TURTLES AND THE BATS. THE FACT IS, THEY ARE GOING TO GET A DOLLAR FOR EVERY TON. IF 20,000 TONS ARE BROUGHT IN DAY IN AND DAY OUT, FOR WEEKS AND MONTHS AND YEARS, HEY, LOOK HOW MUCH THEY ARE GOING TO BENEFIT. THEY ARE GOING TO BENEFIT GREATLY. A DOLLAR PER TON, 20,000 TONS PER DAY, I MEAN, THAT'S A BLESSING FOR THE ENVIRONMENT. 18-10

ALLOWING THE EAGLE MOUNTAIN TOWNSITE COMING BACK TO LIFE, WOULDN'T THAT BE A JOY AND A BLESSING? RESIDENTIAL DEVELOPMENT, SCHOOLS, CHURCHES, COMMERCIAL, UTILITY SERVICE WILL AGAIN BE IN OPERATION. SURROUNDING AREAS WILL BENEFIT WITH JOBS, REVENUES, TAXES; EVERYONE BENEFITS. A BRIGHT FUTURE FOR ALL.

RIGHT NOW THE ECONOMY IS BAD, WE ALL KNOW IT'S BAD. IT'S STILL BAD. THERE'S NOT THAT MANY JOBS OUT THERE. MAYBE THERE'S A LOT OF JOBS AND PEOPLE WORKING, YEAH, BUT A

Response to Comment 18-10

Comment acknowledged.

HECK OF A LOT OF JOBS THAT ARE CLOSING, A LOT OF PEOPLE UNEMPLOYED. WE HAVE CRIME, CRIME IS RAISING, DRUGS, LOSS OF HOMES, PROPERTIES, BROKEN MARRIAGES, PEOPLE NOT SAFE IN THEIR HOMES. READ THE PAPER. READ THE NEWS. KILLINGS, ROBBING AND SO ON.

LANDFILLS ARE FULL AND THEY ARE CLOSING; MANY ARE LEAKING AND CONTAMINATING THE WATER. THESE ENVIRONMENTALISTS ARE OUT THERE RAISING CANE. CONTAMINATE THE WATER, THEY NOTICE. WE ALL KNOW THAT THE EAGLE MOUNTAIN LOCATION IS THE RIGHT AND THE PERFECT PLACE FOR THIS PROJECT. AS A PERSON AND CITIZEN AND TAXPAYER, I URGE YOU, BLM, TO APPROVE THIS LAND EXCHANGE. THANK YOU.

MR. ROUNTREE: THANK YOU, SIR.

MR. WILL LEE.

MR. MORENO: EXCUSE ME. I WOULD LIKE TO SUBMIT THIS. BEFORE I WAS INTERRUPTED. IT'S AN ARTICLE IN THE PAPER ABOUT CUSTER RECEIVING A THOUSAND DOLLAR CONTRIBUTION FROM THE IMPERIAL LANDFILL.

MR. ROUNTREE: THANK YOU.

MR. WILL LEE.

BY MR. WILL LEE: GOOD AFTERNOON, MR. CHAIRMAN. MY NAME IS WILL LEE. I'M HERE REPRESENTING THE SAN DIEGO VALLEY ECONOMIC COUNSEL. WE HAVE REVIEWED THE INFORMATION CONTAINED WITHIN THE NEW ENVIRONMENTAL ANALYSIS AND BELIEVE THAT THE DOCUMENT ADEQUATELY ADDRESSES THE POTENTIAL ENVIRONMENTAL IMPACTS. HAVING SAID THAT, WE WANT TO ALSO POINT OUT THAT

18-11

Response to Comment 18-11

Comment acknowledged.

THE SECTION DEALING WITH THE CAPACITY AND NEED APPROPRIATELY AND ADEQUATELY ANALYZED SOUTHERN CALIFORNIA'S SOLID WASTE NEEDS. THE DOCUMENT RIGHTLY CONCLUDES THAT THE REGION WILL NEED THREE REGIONAL LARGE, NONHAZARDOUS WASTE DISPOSAL SITES IN THE NEXT 20 YEARS.

WE SUPPORT THE EAGLE MOUNTAIN PROJECT AS AN ENVIRONMENTALLY-SUPERIOR ALTERNATIVE TO EXISTING LANDFILL SITES. IN THE NEXT SEVEN YEARS, ALL OF THE LANDFILLS IN THE SAN DIEGO VALLEY WILL CLOSE AND WE WILL BE TOTALLY WITHOUT DISPOSAL SPACE. OUR DISPOSAL OPTIONS ARE REALLY LIMITED DUE TO OUR URBAN SETTING. GOING WEST IS NOT AN OPTION DUE TO THE FREEWAY CONGESTION, SO WE WILL BE HEADING EAST. WE HOPE TO USE EAGLE MOUNTAIN. IF NOT EAGLE MOUNTAIN, THEN OTHER REMOTE SITES THROUGHOUT THE RIVERSIDE COUNTY, AND THEN RIVERSIDE COUNTY WILL BE IN A POSITION OF GETTING ALL OF THE NEGATIVE IMPACTS WITHOUT ANY OF THE MITIGATIONS OR ECONOMIC BENEFITS.

WHY DENOUNCE THIS ECONOMIC DEVELOPMENT PROJECT? WHY TURN YOUR BACK ON HUNDREDS OF NEW JOBS? BELIEVE ME, IF WE HAD A CHOICE BETWEEN (INAUDIBLE) ECONOMIC DEVELOPMENT AND JOBS FOR A PROJECT LIKE THIS. BUT WE HAVE NO CHOICE.

ENVIRONMENTALLY, ECONOMICALLY, THE SAN DIEGO VALLEY SUPPORTS THE EAGLE MOUNTAIN PROJECT AS AN ENVIRONMENTALLY-SUPERIOR ALTERNATIVE. AND I ENCOURAGE THE PUBLIC AGENCIES INVOLVED TO ACT RESPONSIBLY AND IN THE PUBLIC INTEREST AND APPROVE THE LAND EXCHANGE FOR RIVERSIDE COUNTY AND CONSIDER THE LANDFILL ON ITS OWN MERITS.

THANK YOU.

MR. ROUNTREE: THANK YOU, MR. LEE.

ONE MORE TIME, IF YOU DO HAVE WRITTEN COMMENTS, IF YOU WOULD, PLEASE, PROVIDE ME WITH A COPY OR ANY OF THE PEOPLE WHO ARE AT THE BACK DOOR, IT WILL CERTAINLY ENSURE THAT WE DO GET AN ACCURATE COMMENT OR ACCURATE STATEMENT OF WHAT YOU SAY.

MR. DAVID LANHAM.

BY MR. DAVID LANHAM: THANK YOU, MR. CHAIRMAN. MY NAME IS DAVID LANHAM. I LIVE AT 3719 WASHINGTON STREET IN RIVERSIDE. I'VE BEEN A RESIDENT OF THIS COUNTY SINCE '59. THANK YOU FOR THE OPPORTUNITY TO SPEAK. I JUST HAVE A COUPLE COMMENTS THAT I WANT TO OFFER OR PROPOSE. I DON'T WANT TO GET INTO A BIG (INAUDIBLE). I THINK THAT'S WHY WE ARE HERE. JUST A COUPLE OF QUICK COMMENTS, HOWEVER.

WHEN THE E.I.R./E.I.S. WAS FIRST RELEASED, I ASKED FOR A COPY OF THE COMPLETE DOCUMENT. I GOT THE E.I.R. AND THE E.I.S. BUT I DID NOT GET THE APPENDICES AVAILABLE. I KNOW THAT -- I BELIEVE MR. PETERS, TOM PETERS SPOKE TO THAT EARLIER, AND I THINK THE COMMENTS -- BUT I DON'T KNOW HOW ANYBODY IN THIS AUDIENCE IN FAVOR OF THE PROJECT OR FOR THE PROJECT CAN ADEQUATELY SPEAK ABOUT THE PROJECT WITHOUT THE ENTIRE DOCUMENT. AND I THINK IT SHOULD HAVE BEEN VERY ADEQUATELY MR. PETERS' FIRM OR MRC OR WHOEVER THAT IS -- ANYBODY WHO WANTS TO SEE THAT SHOULD HAVE ACCESS TO THE ENTIRE DOCUMENT. I WAS TO HAVE ACCESS TO THE DOCUMENT.

18-12

Response to Comment 18-12

See Response to Comment 17-33.

MR. PETERS SAID IT WILL BE AVAILABLE TO PURCHASE. I'M CONCERNED ABOUT THE PEOPLE IN THE COUNTY WHO CAN'T AFFORD THAT. I THINK THAT IT SHOULD BE AVAILABLE SAY IN THE LIBRARY AND PEOPLE CAN STUDY IT AT THE LIBRARY. I WISH MR. DANIELS WOULD HAVE TO GO TO THE LIBRARY FOR THIS PROJECT. HE WOULD BE THERE ABOUT A HUNDRED YEARS. MAKE EVERYTHING EQUAL; WE SHOULD HAVE ACCESS TO THE ENTIRE DOCUMENT.

ANOTHER THING THAT I WANTED TO COMMENT ON, EVER SINCE WE STARTED THIS PROCEDURE MANY YEARS AGO, AND TONIGHT, WE CONTINUE TO HEAR ABOUT JOBS, AND I DON'T KNOW HOW WE CAN CREATE ONE SUPER MEGADUMP OUT IN THE DESERT AND CAN SERIOUSLY IMAGINE THAT'LL CREATE ALL THESE JOBS. IN THE MEANTIME, WE ARE CLOSING JOBS DOWN IN ORANGE COUNTY, LOS ANGELES AND SAN DIEGO COUNTY, WHATEVER COUNTY IS GOING TO BE SERVICED BY THE DUMP. YOU ARE GETTING 20 OR 30 OR 50 JOBS, I DON'T KNOW HOW MANY JOBS WILL BE CREATED OUT THERE. IN THE MEANTIME, WE ARE CONTINUING TO LOSE JOBS AT THE OTHER SITES. 18-13 a

THE GENTLEMAN SAID EARLIER -- I DON'T WANT TO DEBATE THE SPEAKERS, BUT ONE GENTLEMAN EARLIER SAID IT WOULD CREATE JOBS PAYING BETWEEN $8 AND $15 THE PER HOUR. I DON'T KNOW HOW YOU CAN RAISE A FAMILY ON $8 AN HOUR. AND I ALSO HAVE ALWAYS WONDERED ABOUT THE PRISON INMATES AT THE SITE OUT THERE. I BELIEVE THAT IT'S GOING TO BE A GOLDEN OPPORTUNITY FOR MRC TO USE THOSE PRISON INMATES OUT AT THE SITE. b

ONE LAST COMMENT ABOUT JOBS. I ALSO WORK FOR AN ORGANIZATION CALLED THE OPERATING LOCAL 12, HEAVY EQUIPMENT 18-14

Response to Comment 18-13

(a) See Response to Comment 17-47.

(b) MRC has no contracts with the community correctional facility to employ prison labor for the landfill Project. MRC also states that it will not employ prison labor for the landfill Project. Currently, Kaiser employs some prisoners for minor grounds maintenance in the Townsite and as cleaning staff for the administrative office at the mine site.

Response to Comment 18-14

Comment acknowledged.

OPERATORS. OUR MEMBERS WORK AT LANDFILLS. AND I WANT TO READ TO YOU REAL BRIEFLY WHAT THE PEOPLE IN THE TRADE COUNCILS IN SAN BERNARDINO, LOS ANGELES AND THE COUNTY OF RIVERSIDE, AND ALSO THE STATE SAID ABOUT THIS PROJECT. THE BUILDING AND CONSTRUCTION OF INDUSTRY DOCUMENTS ARE ALWAYS ON FILE AND THEY DON'T HAVE TO PROVIDE YOU WITH A COPY. THE BILLING AND PERTINENT INFORMATION (INAUDIBLE).

AND ONE OF OUR PRIMARY FUNCTIONS, WE HAVE ALWAYS BEEN IN FAVOR OF A PROJECT THAT CREATES JOBS. HOWEVER, I WILL NEVER ADVOCATE THE CREATION OF JOBS AT ANY EXPENSE. THIS COUNCIL HAS MORE THAN 37 AFFILIATED TRADE UNIONS WITH A COMBINED 35,000 PEOPLE. THAT'S JUST IN RIVERSIDE AND SAN BERNARDINO COUNTY. 35,000 PEOPLE WOULD LIKE TO GO'ON RECORD AS OPPOSING THE PROPOSAL.

ADDITIONALLY, THE STATE MILL AND CALIFORNIA COUNCIL OF CALIFORNIA HAVE A.F.L./C.I.O., THE STATE BUILDING AND CONSTRUCTION TRADES COUNCIL, IS PRIMARILY INTERESTED IN CREATING JOBS FOR INDIVIDUAL MEMBERS. HOWEVER, WE MUST GO ON RECORD AS BEING IN OPPOSITION TO THE EAGLE MOUNTAIN LANDFILL PROJECT. THE FEW JOBS CREATED BY THIS ENDEAVOR IS OUTWEIGHED BY THE ENORMOUS RISKS FACING FUTURE GENERATIONS OF WORKING PEOPLE IN CALIFORNIA.

WITH THAT, I THANK YOU FOR THE OPPORTUNITY.

MR. ROUNTREE: THANK YOU, MR. LANHAM.

AGAIN, FOLKS, IF YOU WOULD SPEAK SLOWLY AND INTO THE MICROPHONE SO MS. PETERSON CAN ENSURE THAT SHE ACCURATELY

CAPTURES YOUR COMMENTS, WE WOULD CERTAINLY APPRECIATE IT.

LEE REDMAN.

BY MR. LEE REDMAN: THANK YOU FOR THE OPPORTUNITY TO BE HERE TODAY. MY NAME IS LEE REDMAN. I'M SENIOR VICE-PRESIDENT OF THE (INAUDIBLE) KAISER VENTURES. OUR OFFICES ARE LOCATED AT 3633 EAST INLAND EMPIRE BOULEVARD, SUITE 850, ONTARIO, CALIFORNIA 91764.

AS A RELATIVELY NEWCOMER TO THE EAGLE MOUNTAIN PROCESS, I FIND IT QUITE INTERESTING TO LISTEN TO THE TESTIMONY OVER THE PAST THREE DAYS AND TODAY. MANY CONCERNS HAVE BEEN RAISED ABOUT THE PROJECT. IN MY OPINION, IT HAS BEEN STUDIED AND ANALYZED PROBABLY MORE THAN ANY PROJECT THAT I'VE BEEN INVOLVED WITH IN MY ENTIRE CAREER. THE QUALITY AND DEPTH OF THE TECHNICAL ASPECTS OF THE E.I.S. AND E.I.R. ARE EXCEPTIONAL. EVERYONE INVOLVED IN THIS PROCESS SHOULD BE COMMENDED FOR HAVING DONE SUCH A THOROUGH ANALYSIS OF THE POSSIBLE IMPACTS OF THIS PROJECT ON THE ENVIRONMENT. 18-15

A LOT OF ISSUES AND QUESTIONS HAVE BEEN RAISED BY THOSE CONCERNED ABOUT THE PROJECT. MANY CONCERNS ARE LEGITIMATE BUT WE BELIEVE THEY HAVE BEEN THOROUGHLY AND ADEQUATELY ADDRESSED THROUGH THE E.I.R. AND E.I.S. HOWEVER, MANY OF THE COMMENTS EXPRESSED ARE BASED UPON FICTION AND MANUFACTURED BY THOSE WHO SEEK TO CREATE ISSUES TO DIVERT ATTENTION AWAY FROM THE TECHNICAL THOROUGHNESS OF THE E.I.R. AND E.I.S.

THE PUBLIC REVIEW PROCESS HAS BEEN AN EXCELLENT WAY

Response to Comment 18-15

Comment acknowledged.

TO ALLOW ANY AND ALL WHO MAY HAVE CONCERNS TO EXPRESS THOSE CONCERNS. THE OPPORTUNITY HAS BEEN GIVEN TO SPEAK AND BE HEARD BY HOLDING NOT ONE HEARING, BUT A SERIES OF HEARINGS AT VARIOUS LOCATIONS WHERE PEOPLE WHO MIGHT WANT TO VOICE CONCERNS AND ISSUES HAD THE OPPORTUNITY TO ATTEND. THIS HAS BEEN AN EXCELLENT PROCESS.

THE ENVIRONMENTAL QUESTIONS HAVE BEEN ASKED AND ANSWERED. THERE'S REALLY NOT MUCH MORE THAT WE AT KAISER VENTURES CAN ADD TO THE PROCESS. THE FOLKS AT MINE RECLAMATION CORPORATION HAVE OBVIOUSLY BEEN WORKING AT THIS FOR MANY, MANY YEARS, AND THEY HAVE CONDUCTED THEMSELVES IN THIS PROCESS ADEQUATELY. THEY HAVE BEEN OPEN AND WILLING TO MEET WITH ANY AND ALL WHO ARE CONCERNED ABOUT THE PROJECT. AND IN THE COUNTLESS HOURS, DAYS AND MONTHS AND EVEN YEARS MEETING THE VARIOUS TECHNICAL AGENCIES TO WORK THROUGH ALL THE ISSUES RELATED TO THIS PROJECT.

WE AT KAISER BELIEVE THAT THIS PROJECT IS IMPORTANT TO ALL OF US HERE IN THIS REGION AS WELL AS SOUTHERN CALIFORNIA, AND BELIEVE THAT THE USE OF THE EAGLE MOUNTAIN IS MOST APPROPRIATE FOR LANDFILL FACILITY. OUR MISSION IN THIS COMPANY IS TO PROVIDE A RETURN TO OUR SHAREHOLDERS IN A MANNER THAT PUTS TO USE A CHALLENGED ASSET. I'M PROUD TO SAY TO THIS ROOM TODAY, WHICH IS FILLED WITH PEOPLE WHO ARE DIRECTLY OR INDIRECTLY SHAREHOLDERS IN OUR COMPANY AND WHO HAVE A VESTED INTEREST IN SEEING THIS PROJECT MOVE FORWARD.

AS YOU KNOW, THE VOLUNTARY EMPLOYEES BENEFITS

18-16

Response to Comment 18-16

Comment acknowledged.

ASSOCIATION, OTHERWISE KNOWN AS VEBA, IS REPRESENTED HERE BY A NUMBER OF PEOPLE WHO DEPEND ON THE SUCCESS OF OUR COMPANY FOR THEIR ONGOING WELL-BEING.

THE OTHER EVENING MR. CHARPIED MADE MENTION TO THIS GROUP OF RETIREES THAT THEY SHOULD BE CONCERNED ABOUT KAISER'S ACTIVITIES AND THEIR MOTIVE BECAUSE ALL THEY WOULD EVER GET OUT OF IT IS A $4,000 DEATH BENEFIT. PLEASE UNDERSTAND THAT THE VEBA IS NOT IN THE BUSINESS OF PROVIDING LIFE INSURANCE TO THESE PEOPLE, BUT TO PROVIDE LIFE ASSURANCE IN THE FORM OF MEDICAL AND HEALTH BENEFITS TO ALLOW THESE WONDERFUL PEOPLE TO ENJOY THE BALANCE OF THEIR LIVES IN GOOD HEALTH. I DON'T KNOW WHAT COULD BE OF MORE VALUE TO ANYONE THAN THAT.

AGAIN, AS I MENTIONED BEFORE, THE SUCCESS OF KAISER VENTURES AND ALL ITS PROJECTS, FROM CALIFORNIA SPEEDWAY TO EAGLE MOUNTAIN, ALL CONTRIBUTE TO ANY INCREASE THE VALUE OF THE INVESTMENT THAT SO MANY PEOPLE HAVE MADE IN OUR COMPANY AND THE SHAREHOLDERS, NOT ONLY FOR THE VEBA, BUT ALSO FOR THE PEOPLE IN A FREE MARKET SOCIETY WHO CHOOSE TO INVEST IN COMPANIES THAT THEY FEEL ARE INNOVATIVE AND PROVIDE PROMISING SOLUTIONS TO TODAY'S ENVIRONMENTAL CHALLENGES.

IN CONCLUSION, I WANT TO COMMEND THE BLM FOR HAVING CARRIED OUT WHAT I CONSIDER AND BELIEVE IS AN EXCELLENT PROCESS FOR RECEIVING PUBLIC TESTIMONY. I'M SURE THAT BETWEEN NOW AND SEPTEMBER 17TH YOU WILL BE RECEIVING A SIGNIFICANT NUMBER OF LETTERS RAISING QUESTIONS AND CONCERNS,

AS WELL AS LETTERS OF SUPPORT FOR THIS PROJECT. WE URGE THE BLM TO REVIEW ALL OF THE INFORMATION, AND AFTER CAREFUL REVIEW AND STUDY, TO APPROVE THE LAND EXCHANGE AS QUICKLY AS POSSIBLE SO THAT WE CAN FINALLY MOVE FORWARD IN THE PROCESS OF DEVELOPING WHAT WILL BE A MAJOR PART OF THE SOLUTION FACING SOUTHERN CALIFORNIA FOR ITS FUTURE LANDFILL NEEDS.

THANK YOU VERY MUCH.

(APPLAUSE.)

MR. ROUNTREE: THANK YOU, MR. REDMAN.

MR. RICK DANIELS.

BY MR. RICK DANIELS: THANK YOU. MY NAME IS RICK DANIELS. I'M THE PRESIDENT AND CHIEF EXECUTIVE OFFICER OF MINE RECLAMATION CORPORATION, DEVELOPER OF THE PROPOSED EAGLE MOUNTAIN PROJECT.

DURING THE PRECEDING THREE DAYS OF BLM'S PUBLIC HEARINGS ON THE DRAFT WE HAVE ALL HEARD A VARIETY OF COMMENTS, MANY OF THEM CONSTRUCTIVE COMMENTS, ON THE NEW ENVIRONMENTAL ANALYSIS, MANY OF THEM SUPPORTIVE COMMENTS ON THE BENEFITS OF THE PROJECT, AND SOME NOT SO SUPPORTIVE COMMENTS REGARDING THE PROJECT AND ITS BACKERS, AS WELL AS THE AGENCIES INVOLVED IN PROCESSING THE NEW DOCUMENTS.

AS A COMPANY, WE HAVE OPERATED OPENLY AND HONESTLY THROUGHOUT THE PUBLIC PROCESS. WE HAVE PROVIDED ACCESS TO INFORMATION; WE HAVE FUNDED STUDIES; WE HAVE CHANGED THE PROJECT TO RESPOND TO CONCERNS EXPRESSED BY THE PUBLIC. THIS IS OUR RESPONSIBILITY. AND WE WILL CONTINUE TO HONOR IT. WE

18-17

Response to Comment 18-17

Comment acknowledged.

BELIEVE THAT THE EAGLE MOUNTAIN LANDFILL PROJECT IS A BETTER PROJECT THAT WILL RESULT IN THE WHOLE PUBLIC PROCESS.

THE DRAFT E.I.R./E.I.S. ADDRESSES THE POTENTIAL IMPACT OF TRANSPORTING NONHAZARDOUS WASTES FROM SEVEN COUNTIES IN SOUTHERN CALIFORNIA. THESE SEVEN COUNTIES ARE 18-18 THE ONLY PROPOSED SOURCES OF POTENTIAL WASTES FOR THE PROJECT. THERE IS NOT NOW, NOR HAS THERE EVER BEEN, ANY INTENTION TO RECEIVE WASTES FROM OUT OF COUNTY -- OR OUT OF STATE OR ANY OTHER SOURCES.

THE DOCUMENT ALSO MAKES QUITE CLEAR THAT THE PROJECT PROPOSES TO RECEIVE DRY, RECYCLED, MUNICIPAL SOLID WASTE WITH NO LIQUID WASTE OR SPECIAL WASTE OR SLUDGES. THE 18-19 MASTER PROJECT AREA IN THE PHOTO REPRODUCTION SHOW THE' DEVASTATION THAT'S HAPPENED AT THE SITE. THE LANDS PROPOSED FOR THE USE IN THE LANDFILL ARE NOT PRISTINE DESERT WILDERNESS. THEY ARE DISTURBED AREAS THAT HAVE BEEN SCARRED AS A RESULT OF OVER 40 YEARS OF MINING AT THE SITE. THE RECLAMATION NATURE OF THE PROJECT IS QUITE EVIDENT TO ANYONE WHO HAS TAKEN THE TIME TO VISIT THE SITE AND SEE IT FOR THEMSELVES.

LET ME ASSURE YOU THAT WE ARE CONCERNED, FOR WE TAKE VERY SERIOUSLY THE CONCERNS OF THE JOSHUA TREE NATIONAL 18-20 PARK. MRC IS COMMITTED TO PROTECTING THE RESOURCES OF THE NATIONAL PARK. IN FACT, OVER THE LAST SEVEN YEARS WE HAVE MAINTAINED AN ACTIVE DIALOGUE WITH OFFICIALS FROM THE MONUMENT, AND NOW THE PARK, LISTENING TO THEIR QUESTIONS AND

Response to Comment 18-18

Comment acknowledged.

Response to Comment 18-19

Comment acknowledged.

Response to Comment 18-20

Comment acknowledged.

ATTEMPTING TO ADDRESS THEIR CONCERNS. WE ARE COMMITTED TO ADDRESS THESE ISSUES, AS WELL AND ISSUES RAISED BY OTHERS DURING THIS PROCESS AND BEYOND. THAT'S A COMMITMENT THAT WE TAKE VERY SERIOUSLY AND HAVE DEMONSTRATED THROUGHOUT THE PREVIOUS (INAUDIBLE) PROCESS.

WE URGE THE BLM TO ISSUE A RECORD OF DECISION ON THE LAND EXCHANGE AND RIGHTS-OF-WAY AS SOON AS POSSIBLE. THE LAND EXCHANGE IS GOOD FOR BLM AND GOOD FOR THE PROTECTION OF IMPORTANT LANDS IN THE AREA AND GOOD FOR RECLAMATION OF THE EXISTING SITE. APPROVAL OF THE EAGLE MOUNTAIN PROJECT WILL ALLOW EXISTING UNLINED LANDFILLS TO CLOSE AND BE REPLACED BY AN ENVIRONMENTALLY-SUPERIOR ALTERNATIVE THAT WILL CREATE MUCH-NEEDED JOBS. WEIGHT THE POSSIBILITY OF MINIMAL IMPACTS TO THE ENVIRONMENT WITH THE PROBABILITY OF ENVIRONMENTALLY-SUPERIOR REPLACEMENT LANDFILL CAPACITY, ECONOMIC IMPACTS, AND NEW JOBS IN THE AREA.

WE APPRECIATE THE OPEN PUBLIC PROCESS AS A MEANS FOR APPROVING THE PROPOSED PROJECT. I THANK YOU FOR THE OPPORTUNITY TO OFFER THESE COMMENTS, AND WE WILL CONTINUE TO MAINTAIN THE OPEN COMMUNICATIONS PRACTICES, AND LOOK FORWARD TO DOING WHAT WE CAN TO ADDRESS ANYONE WITH ANY QUESTIONS. THANK YOU.

(APPLAUSE.)

MR. ROUNTREE: THANK YOU, MR. DANIELS.

MS. DEB BENNETT.

BY MS. DEB BENNETT: GOOD AFTERNOON, MY NAME IS

DEB BENNETT, AND I RESIDE AT 26410 IRONWOOD AVENUE IN MORENO VALLEY, CALIFORNIA I'M HERE TODAY ON BEHALF OF THE SAN BERNARDINO VALLEY AUDUBON SOCIETY. WE COMMENTED ON THE ORIGINAL PROJECT, AND WE'RE HERE TODAY TO GO ON RECORD AS BEING OPPOSED TO THE EAGLE MOUNTAIN LANDFILL PROJECT.

OUR OPPOSITION IS BASED ON TWO BROAD AREAS OF CONCERNS. WE ARE IN OPPOSITION ON, FIRST, PRINCIPLES TO THE MEGADUMP CONCEPT OF DEALING WITH WASTE. AND SECONDLY, WE ARE OPPOSED BECAUSE OF SPECIFIC ENVIRONMENTAL IMPACTS THAT WILL BE CAUSED BY THE EAGLE MOUNTAIN PROJECT. WE ARE CURRENTLY REVIEWING THE NEW DRAFT E.I.R./E.I.S. AND WILL SUBMIT OUR WRITTEN COMMENTS ON OUR SPECIFIC CONCERNS IN A TIMELY MANNER.

THANK YOU FOR THE OPPORTUNITY TO SPEAK TODAY.

MR. ROUNTREE: THANK YOU, MS. BENNETT.

(APPLAUSE.)

MR. MIKE URBANEK.

BY MR. MIKE URBANEK: GOOD EVENING. I RESIDE AT 16317 MANZANITA, IN FONTANA, CALIFORNIA. I WILL SUBMIT A COPY OF THIS.

WE'VE HEARD THE CHARGES THIS PROJECT WILL DAMAGE THE ENVIRONMENT AND YOU SHOULD NOT APPROVE IT. LOOK AT THE "PIE IN THE SKY" WISHES OF THE OPPONENTS TO FIND A NEW TECHNOLOGY. MEANWHILE, THE CURRENT LANDFILLS ARE BEING FILLED, BEING CLOSED AND ARE LEAKING. THAT'S LIKE WAITING FOR A BETTER MOUSETRAP WHILE THE HOUSE IS OVERRUN WITH MICE.

18-21

18-22

Response to Comment 18-21

Comment acknowledged.

Response to Comment 18-22

Comment acknowledged.

THIS PROJECT HAS BEEN DESIGNED WITH THE MODERN TECHNOLOGY AVAILABLE TO THE INDUSTRY. PREPARATION WILL TAKE TIME, AND THE NEED FOR THIS IS NOW, NOT SOMETIME IN THE FUTURE WHEN TECHNOLOGY MIGHT BE AVAILABLE.

THEN THERE'S THE PEOPLE WHO SAY "NOT IN MY BACKYARD." YET THEIR BACKYARD IS 60-TO-70 MILES AWAY. IF NOT AT EAGLE MOUNTAIN, WHERE DO YOU WANT YOUR TRASH TO BE HAULED? TO SOMEONE ELSE'S BACKYARD, I'M SURE, BUT WHERE? SOME OF RIVERSIDE COUNTY'S TRASH HAS BEEN TRUCKED TO THE MILLIKEN LANDFILL IN ONTARIO FOR NEARLY 30 YEARS. THAT LANDFILL WILL BE CLOSED THE END OF THIS YEAR. RIVERSIDE 18-23 USERS WILL HAVE TO FIND ANOTHER PLACE TO DISPOSE OF THEIR TRASH, AND THE COSTS WILL GO UP TO TRANSPORT IT FURTHER AWAY.

CAN WE EXPECT THEM TO COME TO FONTANA? POSSIBLY. FONTANA IS THE SECOND LARGEST LANDFILL AFTER MILLIKEN. THE FONTANA LANDFILL WAS TO CLOSE YEARS AGO, BUT ITS LIFE HAS BEEN EXTENDED AND THE SITE EXPANDED SEVERAL TIMES. IT IS IN MY BACKYARD: JUST THREE-AND-A-HALF MILES AWAY. IT SITS ATOP THE WATER SOURCE OF FONTANA AND SEVERAL OTHER CITIES. WE ALL NEED BETTER, MORE REMOTE SITES LIKE EAGLE MOUNTAIN.

WHY SHOULD ONE VISIT THESE UGLY, MONSTROUS HOLES IN THE GROUND? MY BEST ANSWER IS TO SEE WHAT AN EYESORE IT IS, 18-24 THEN ENVISION WHAT IT COULD LOOK LIKE IF IT IS APPROVED AND THE CONTOURS ARE APPROXIMATELY THOSE OF THE SURROUNDING AREA. VISIT IT; TAKE A TOUR, LIKE I HAVE. ASK YOUR

Response to Comment 18-23

Comment acknowledged.

Response to Comment 18-24

Comment acknowledged.

QUESTIONS, GET YOUR ANSWERS. FIND OUT FOR YOURSELVES WHAT THOUGHT, WHAT EFFORT HAS BEEN PUT INTO THIS PROJECT. DON'T GO ON THE WORDS OF SOMEONE ELSE WITHOUT SEEING IT FOR YOURSELF.

WE HEARD DIRE PREDICTIONS OF THE POSSIBLE CONTAMINATION OF THE GROUNDWATER, IGNORING THE FACT THAT THE SAFEGUARDS TO BE INSTALLED AS PART OF THIS PERMIT WILL CONTINUOUSLY MONITOR THE GROUNDWATER THROUGH A SERIES OF WELLS SURROUNDING THE WHOLE LANDFILL. SEE MANY OF THE WELLS THAT HAVE ALREADY BEEN INSTALLED.

LOOK AT THE HILLS OF DEBRIS THAT HAVE BEEN MOVED TO GET THE IRON ORE. THIS WAS DONE AT A TIME WHEN THE CONSEQUENCES OF THAT ACTION WAS NOT A CONCERN. NOW YOU, AND WE, HAVE A CHANCE TO RECTIFY THAT. DON'T THROW AWAY THAT CHANCE ON A DREAM FOR NEW, UNNAMED BLUE SKY TECHNOLOGY THAT MAY NEVER BE POSSIBLE.

IT WAS SAID THIS LANDFILL IS AT THE DOOR OF JOSHUA TREE NATIONAL PARK. THERE IS NO DOOR, SINCE THERE'S NO ROADS FROM THE LANDFILL TO THE PARK. BUT THE MINE SITE WILL BE THERE WHETHER IT'S USED AS A LANDFILL OR NOT. REMEMBER, IT WAS THERE 50 YEARS BEFORE THE NATIONAL PARK WAS ESTABLISHED, AND IT IS ON PRIVATE LAND.

AT THE HEARING IN PALM SPRINGS THERE WAS AN IMPASSIONED PLEA TO PROTECT OUR CHILDREN AND GRANDCHILDREN. I AGREE THIS IS NECESSARY. I ALSO AGREE THIS PROJECT WILL DO THAT. THE NEED TO PROJECT IS CLEAR: MANY CURRENT LANDFILLS

18-25

Response to Comment 18-25

Comment acknowledged.

ARE NOT PROPERLY LINED, LET ALONE LINED WITH SEVEN FEET OF IMPERVIOUS CLAY, AND OTHER MATERIALS INTERSPERSED WITH TWO LAYERS OF PLASTIC, WHICH IS EXPECTED TO STILL BE WATERTIGHT A CENTURY FROM NOW. I BELIEVE THE SCIENTISTS WHO HAVE STUDIED THIS AND SAY IT IS SAFE, NOT THE EMOTIONAL NONSCIENTISTS WHO TRUST NO ONE.

THIS PROJECT IS FEASIBLE. THIS PROJECT IS TECHNICALLY SOUND. THIS PROJECT IS NEEDED. I URGE YOU TO APPROVE IT. THANK YOU.

(APPLAUSE.)

MR. ROUNTREE: THANK YOU, MR. URBANEK.

MS. DONNA CHARPIED.

BY MS. DONNA CHARPIED: MY NAME IS DONNA CHARPIED. I'M HERE FOR THE CITIZENS OF CHUCKWALLA VALLEY AND FOR SAN GORGORNIO CHAPTER OF THE SIERRA CLUB.

IT'S REALLY INTERESTING THAT MR. PETERS TALKED IN THE OPENING STATEMENT ABOUT KAISER OWNING ALL THE LAND OUT THERE. THIS IS NOT TRUE. THIS E.I.S. ABSOLUTELY NEGLECTED THE ISSUES CONCERNED THAT WE RAISED REGARDING THE LAND EXCHANGE ISSUE. THE IMPERIAL WATER PLANT DID GRANT A STAY TO THE PETITIONERS WHEN THE BLM APPROVED THIS THE FIRST TIME AROUND. WHEN THEY GRANTED THE STAY THEY USED WORDS SUCH AS SERIOUS, SUBSTANTIAL, DIFFICULT AND DOUBTFUL QUESTIONS SURROUNDING THIS LAND EXCHANGE. ALTERNATELY, THE DEPARTMENT OF INTERIOR, BOARD OF LAND APPEALS RESCINDED OR VACATED ALL BLM'S DECISIONS AND REMANDED IT BACK TO YOU FOR FURTHER STUDY

18-26

Response to Comment 18-26

With respect to the status of land ownership of the lands involved in the proposed Project (including exchange lands), Sections 1.2.4 and 2.1 of the Draft EIS/EIR describe the ownership status of the lands within and around the Project site. Those lands consist of lands owned in fee by Kaiser (i.e., patented lands plus other lands owned by Kaiser), BLM-administered lands that are subject to vested mining and mill site claims held by Kaiser, and other BLM-administered lands. In addition, Figure 5-2 is a colored map which specifically depicts the status of land ownership within and around the Project site, including both the Landfill and Townsite Specific Plan areas and other surrounding areas. Approximately 2,071 acres of the Landfill Specific Plan area are owned by Kaiser in fee, and approximately 1,685 acres of the Landfill Specific Plan area are located on vested mining and mill site claims held by Kaiser. See also General Response 4.

AND TO FIX THE PROBLEMS THAT WE HAD RAISED.

WE HAD CONTENDED, AND WE CONTEND TO THIS DAY, IT'S BEEN A MATTER OF RECORD REPEATEDLY FOR YEARS, THAT KAISER IS TRESPASSING ON PUBLIC LANDS. MR. PETERS SAYS THAT THEY OWN MOST OF THOSE LANDS UP THERE. HOWEVER, IF THEY WERE OWNED BY KAISER AND NOT THE PUBLIC, WHY WOULD THEY BE LISTED AS SELECTIVE PUBLIC LANDS TO BE EXCHANGED? IT'S BECAUSE THEY ARE PUBLIC LANDS AND THEY ARE NOT OWNED BY KAISER. OTHERWISE, AS YOU KNOW, YOU COULD HAVE ISSUED THE COURT ORDER IN THIS CASE, IN THIS CHESS GAME YEARS AGO AND GOT ANOTHER WHOLE RECORD OF DECISION ON THIS.

THE TOWNSITE ALSO REVERTED BACK. THIS IS (INAUDIBLE) ISSUE THE BLM RAISED SEVERAL YEARS AGO, AND AGAIN DISCOUNTED IN THE E.I.S./E.I.R. THIS IS A TRESPASS ON PUBLIC LANDS. THERE'S A REVENUE-GENERATING CORRECTIONAL FACILITY, THAT THE LAST COUNT THAT I HEARD SEVERAL YEARS AGO WAS PAYING TO THE TUNE OF $60,000 A MONTH TO KAISER FOR THE LEASE OF THIS FACILITY.

THE BUREAU OF LAND MANAGEMENT SHOULD RECOUP THAT ILLEGAL MONEY BECAUSE IT BELONGS TO THE TAXPAYERS, NOT A PRIVATE CORPORATION. PRIVATE LAW 790, THE P.L. 790 THAT WAS ENACTED BY CONGRESS IN 1952 SPECIFICALLY SET CONDITIONS THAT TRIGGERED THE REVERTER. IT'S NOT A REVERSIONARY INTEREST, IT'S NOT A CLAUSE, IT'S A CONDITION THAT SPECIFICALLY SAYS WHEN KAISER CEASES MINING FOR A TOTAL OF SEVEN CONSECUTIVE YEARS, THE TOWNSITE AND MILLSITE AND RIGHTS OF WAYS REVERT

18-27

Response to Comment 18-27

The reversionary interest of the United States in the lands patented to Kaiser in 1955 under PL 790 is discussed in Section 2.1.1.3 of the Draft EIS/EIR ("Reversionary Interest in Townsite Area and Rights-of-Way"). The BLM has determined, based in part on the legal opinion of the Regional Solicitor of the United States Department of the Interior, that the reversionary interest under PL 790 has not been triggered by the correctional facility lease or otherwise. See General Response 4.

BACK TO PUBLIC OWNERSHIP.

THERE'S A REASON FOR THAT. I'M HERE TO TELL YOU THAT AT THE TOWNSITE AND MILLSITE THERE'S MINERALS, AND THE UNITED STATES GOVERNMENT, I.E., CONGRESS WANTED THAT LAND TO REVERT BACK IN THE EVENT KAISER STOPPED MINING, BECAUSE THE MINERALS BELONG TO THE UNITED STATES. KAISER CLAIMS, AND WITH THE BLM'S BLESSING, THAT THEY CONTINUE TO MINE. IF THIS IS SO, THEN IT OPENS ANOTHER CAN OF WORMS: THAT THEY, ONE, THEY HAVE DEFRAUDED THE BANKRUPTCY COURT; THEY WENT BANKRUPT BECAUSE THEY CAN NO LONGER PAY THEIR DEBTORS THE MONEY THAT THEY OWED THEM BECAUSE THEY COULD NO LONGER MINE AT A PROFIT.

THE BLM USUALLY FILLS THROUGH THE PRUDENT PEOPLE AS PARAMETERS TO WORK MILLING AND MINING. AND THERE ARE CASE AFTER CASE IN BLM THAT SUBSTANTIATE WHAT I'M SAYING TO YOU RIGHT NOW. REMEMBER THE COMMENT FROM THE STATE DIRECTOR, ED CASEY, WHERE HE ADMITTED THE PEOPLE AT EAGLE MOUNTAIN ARE A TRESPASS ON PUBLIC LANDS.

WE ARE AWARE NOW THAT THE EAGLE MOUNTAIN PROJECT WILL CAUSE IRREPARABLE HARM TO THE COMMUNITY RESIDENTS. THE LAND EXCHANGED SEVERAL TO ILLUSTRATE THE PREFERENTIAL TREATMENT IS THE P.L. 790 HAS -- ONE OF THE PROVISIONS IS KAISER OR ITS SUCCESSORS IN INTEREST. KAISER VENTURES -- KAISER STEEL CORPORATION WENT BANKRUPT. KAISER RESOURCES EMERGED IN '94 AS KAISER VENTURES. THEY ARE A SUCCESSOR TO KAISER STEEL CORPORATION, BUT NOT A SUCCESSOR IN INTEREST.

AND IN THE BLACK'S LAW DICTIONARY YOU CAN SEE CLEARLY THAT THE SUCCESSOR IN INTEREST CAN CHANGE NAME BUT NOT THEIR FORM, I.E., KAISER VENTURES. BUT THEY HAVE TO CONTINUE TO MINE TO BE A SUCCESSOR IN INTEREST. AND A DUMP IS NOT A MINE. THE WHOLE PURPOSE FOR THIS IS FOR A DUMP.

IN LIGHT OF ALL OF THESE THINGS THAT I HAVE JUST BROUGHT UP -- AND THERE'S MORE, AND I SEE CHRISTINE JUST RAISED THE ONE-MINUTE SIGN THERE -- WE HAVE HEARD A LOT OF TESTIMONY FROM OTHER PEOPLE'S COMMENTS THAT THE SCOPING PROCESS HAS NOT BEEN ADDRESSED. I SEE A LOT OF MY PERSONAL COMMENTS HAVE NOT BEEN ADDRESSED, SOME OF THE COMMENTS THAT THE SIERRA CLUB HAS SUBMITTED HAVE NOT BEEN ADDRESSED. AND IN LIGHT OF THAT INFORMATION, I WOULD LIKE TO OFFICIALLY REQUEST THAT THE BLM DO A SUPPLEMENTAL DRAFT E.I.S. TO FIX THESE SHORTCOMINGS.

LASTLY, THE VICE-CHAIRMAN OF THE CITIZENS FOR PROTECTION OF RURAL INDEPENDENCE ASKED ME TO BRING THEIR STATEMENT AND PUT IT INTO THE RECORD FOR THEM, WHICH I WILL DO. I STILL REMAIN OPPOSED, AND I STRONGLY URGE YOU TO SAY NO TO THIS LAND EXCHANGE. THANK YOU VERY MUCH.

MR. ROUNTREE: THANK YOU, MRS. CHARPIED.

18-28

Response to Comment 18-28

The public comments received from this commenter, as well as from all other public and agency commenters, are presented in this Response to Comments section of the Final EIS/EIR (Volume II) and have been considered fully by BLM in determining the adequacy of this environmental document.

MR. CHARPIED.

BY MR. LARRY CHARPIED: MY NAME IS LARRY CHARPIED.

18-29 MY ADDRESS IS P.O. BOX 397, DESERT CENTER, CALIFORNIA. I'LL GO THROUGH THIS AS QUICK AS I CAN.

ONE THING THAT I WANT TO COMMENT ON IS THAT ALL HONEST THE NOTICE OF PREPARATION FOR THIS E.I.S. PROJECT. THEY CLAIMED THEY HAD MANY OF THE PERMITS THAT WERE ISSUED WHICH ARE STILL VALID. THERE IS NO EVIDENCE IN THIS E.I.S. THAT THEY'RE VALID. THE CEQA DOCUMENT BECAME INVALID. THE COUNTY OF RIVERSIDE APPROVALS AND PERMITS WERE RESCINDED. THE NEPA DOCUMENT BECAME INVALID. THERE IS NOTHING, NO WAY ANY PERMITS CAN BE ISSUED WITHOUT THESE DOCUMENTS. IT'S JUST A WAY TO CUT DOWN ON PUBLIC INPUT BY PEOPLE BELIEVING, WHY SHOULD I COMMENT IF THESE PERMITS ARE ALREADY VALID AND ISSUED?

Response to Comment 18-29

The commenter has raised a concern initially made by the same commenter during the scoping process for the EIS/EIR. The Draft EIS/EIR addressed the commenter's concern at pages 1-36 through 1-40 of the Draft EIS/EIR, providing a detailed breakdown of all permits and approvals required for the Project and the current status of these permits and approvals. At section 1.4.3, state approvals (at page 1-37 of the Draft EIS/EIR), the document states that if the County of Riverside were to certify the EIR and approve the Project, state responsible agencies that previously issued permits for the Project would presumably re-evaluate and reconsider issuance of those permits in light of any new relevant information concerning the potential impacts of the Project in this EIR. With respect to the Project air quality permits, the SCAQMD has stated that the permits issued by the SCAQMD are still valid, having been unaffected by the previous action in connection with the Court's ruling on the adequacy of the previous EIR's discussion of potential impacts. (See, September 26, 1996 correspondence from Mr. Robert Kwong, counsel for the SCAQMD, to the commenter.)

The Draft EIS/EIR fully discloses and discusses the requirements and status of all permits and approvals required for the project, and discloses the commenter's previous concern expressed during the scoping process so that this concern itself was subject to public review and comment on the Draft EIS/EIR.

TOM PETERS WAS TALKING ABOUT THE AIR AND THE REASON WHY THERE WOULD NOT BE A NEGATIVE IMPACT TO THE AREA. HE
18-30 NEGLECTS TO SAY THERE ARE THOUSANDS OF TONS OF TOXIC CHEMICALS THAT THEY'RE GOING TO PUT IN THE AIR. THAT'S ANOTHER REASON WHY IT'S GOING TO BE A SIGNIFICANT NEGATIVE IMPACT, NOT THE DUST.

OKAY. WE NEED TO CHANGE THE PAGE IN THE E.I.S. WHERE IT SHOWS -- THAT YELLOW PAPER THAT SHOWS KAISER'S VESTED INTERESTS IN THE MINING AS KAISER OWNS THIS LAND. THE COUNTY STATES IN THE E.I.S. KAISER HAS NO VESTED MINING
18-31 INTEREST, THEY WILL NEED TO COME BACK TO THE COUNTY TO GET A PERMIT BEFORE THEY CAN DO ANY MINING.

I DON'T KNOW WHAT ALL THE CONFUSION IS ABOUT REGARDING THIS MINING AND LAND IS. THEY OWN THE 200 ACRES AND THEY OWN THE WHOLE -- AND THE OTHER TWO HOLES, THEY DON'T OWN ANYTHING ELSE.

THE ARMY CORPS OF ENGINEERS 401 PERMIT, WHICH IS A NATIONWIDE PERMIT, THAT PERMIT DOESN'T ALLOW FOR PUBLIC COMMENT. WE NEED TO HAVE A 401 INDIVIDUAL PERMIT. THERE'S TWO REASONS WE DID IT.

THE DEPARTMENT OF TOXIC SUBSTANCES CONTROLLED TOUR
18-32 OUT THERE. WE FOUND (INAUDIBLE) AT EAGLE CREEK, AND THAT'S WHERE THEY'RE GOING TO PUT THE RETENTION BASIN FOR THE RUNOFF. SO WHY BIG BUNCHES OF WATER ARE BURIED AND THE OTHER CHEMICALS, AND WE DON'T GET A CHANCE TO COMMENT ON THAT? THAT DOESN'T MAKE SENSE. WE NEED A 401 INDIVIDUAL PERMIT.

ALSO, IF YOU LOOK AT THAT DIVERSION, IT GOES STRAIGHT TO MY FARM. AND BY THE WAY, IT'S 10 ACRES. KAISER OWNS THOUSANDS. IT'S A 10-ACRE FARM.

Response to Comment 18-30

The Draft EIS/EIR contains a detailed analysis of the toxic air pollutants and the corresponding impacts from these pollutants (Appendix E, Attachment C). Trace quantities of toxic gases are contained in the landfill gas and will be emitted from both the landfill surface and the gas flares. The flares are expected to destroy at least 98 percent of the toxic gases found in the raw landfill gas. Contrary to the belief of the commenter, emissions will not be thousands of tons of toxic chemicals, but rather fractions of pounds per day. The results of the risk analysis for these air pollutants show that the risks are below the applicable significance limits established by the SCAQMD.

Response to Comment 18-31

See General Response 4.

Response to Comment 18-32

The comment may be referring to a Section 401 permit issued by the Corps of Engineers. The Corps of Engineers permit requirements are set forth in the Draft EIS/EIR at Section 1.4.2.2. The Corps of Engineers previously determined that the Project qualifies for a Nationwide Permit under Section 404 of the Clean Water Act because of the small amount of Corps jurisdictional areas affected by the Project. These areas include no wetlands and the Corps required no mitigation.

TO SEPARATE THE COUNTY AND FEDERAL PUBLIC HEARINGS
18-33 IS CLEARLY AGAINST CEQA. NEPA WANTS YOU TO DO THIS
CONCURRENTLY WITH THE COUNTY, NOT SEPARATELY. TO HAVE THIS
MEETING AND SAY WE CAN'T SEND OUT THE E.I.R. BECAUSE IT COSTS
MONEY, AND THEN THERE'S GOT TO BE ANOTHER MEETING THAT'S
SUPPOSED TO SERVE THE SAME PURPOSE, THAT'S A WASTE OF OUR TAX
DOLLARS RIGHT THERE. THE COUNTY DOESN'T HAVE TO PAY, BLM
18-34 DOESN'T HAVE TO PAY FOR THIS DOCUMENT, MRC DOES. AND IF THE
PEOPLE REQUEST THEM BECAUSE THEY WANT TO COMMENT, YOUR DUTY
IS TO SEND IT TO THEM. OH, YOU RAN OUT, GO TO THE LIBRARY,
OR OH, SEND US MONEY FOR IT. NO WAY.
18-35 MR. MULLINS AND MR. LONG, THE TWO SUPERVISORS FROM
SAN BERNARDINO REGARDING ALL WASTE ISSUES THAT ARE VERY
IMPORTANT THAT THEY BE INCLUDED IN THIS E.I.S. AND THE
CONCLUSIONS AND THE SUGGESTIONS AND THE DECISIONS THEY MADE
IN THIS PROCESS. MR. LONG REFUSES TO GIVE US THIS PUBLIC
INFORMATION WHICH IS AVAILABLE THROUGH THE COUNTY. AND I'M
SURE THAT YOU GUYS CAN GET IT AND COMMENT ON IT AS TO HOW IT
WILL EFFECT THE CAPACITY WASTE, AT LEAST IN THE TWO TOWNS
IT'S RELEVANT. WE NEED TO INCLUDE THAT.

Response to Comment 18-33

The comment states that separation of County and federal public hearings on the Draft EIS/EIR is contrary to CEQA. This is not correct. Under CEQA, a draft EIR is required to be circulated for public review and comment for at least 45 days, when the EIR is circulated to the State Clearinghouse as is the case with this Project. The actual public review and comment period for the Project was over 60 days. Under the provisions of CEQA, no public hearing was required to be held in connection with taking public comments on a draft EIR. Although the commenter expressed a concern about the BLM holding public hearings to take comment on the EIS portion of the document, all comments received have been considered—both comments on the Draft EIR, as well as the EIS, and these responses are being provide to all of these comments, whether they were received as part of the federal hearing process or whether they were received as part of CEQA public review and comment period process. As such, the public review and comment in connection with the Project exceeds the statutory requirements of the CEQA.

Response to Comment 18-34

See Response to Comment 195-31c, which describes how the Draft EIS/EIR was distributed.

Response to Comment 18-35

Without reference to a specific County document or proceeding within which these "conclusions, suggestions, or decisions" may reside, their inclusion or consideration within this EIS/EIR is not possible. It should be noted that the public review process for this EIS/EIR has provided ample opportunity for San Bernardino County Supervisors, as well as members of the public, to make their opinions known. See Responses to Comments 17-21 and 18-33.

WE NEED TO DO THE MONEY, WE NEED TO AUDIT THE BLM AND FIND OUT HOW MUCH IS SPENT. AND LET'S SEE THE CHECK FROM KAISER PAYING THIS BILL. AND WE ALSO NEED THE COUNTY TO DO 18-36 THE SAME THING. WE WENT THROUGH THAT LAST TIME. THEY WOULDN'T TELL US HOW MUCH TAX DOLLARS THEY SPENT PROMOTING PROPOSALS. AND WE'RE TIRED OF SPENDING OUR DOLLARS ON, SOMETHING THAT WE DON'T WANT.

TOM KEEPS BRINGING UP THE SIDE REGARDING THE CAPACITY. KEEP IN MIND, THAT SAME SITE, IT SAYS IN THE FINE 18-37 PRINT. THIS DOES NOT TAKE INTO ACCOUNT PLANNED PROPOSALS FOR NEW SITES WHICH WILL ALL HAVE STATE-OF-THE-ART CONTAINER SYSTEMS. HE KEEPS BRINGING UP THESE THINGS AND IT'S A BIG LIE.

AND REMEMBER THAT THIS, THEY ARE NOT IN THE 18-38 BUSINESS OF INSURANCE, AND YOU DIE, SORRY. NOBODY HAS IT.

THANKS A LOT.

MR. ROUNTREE: THANK YOU, MR. CHARPIED.

FOLKS, WE'VE REACHED THE END OF THE PEOPLE WHO HAVE SIGNED UP TO REQUEST TO SPEAK. ARE THERE ANY ADDITIONAL PEOPLE WHO HAVE NOT SIGNED UP? I'M SORRY? (INAUDIBLE.)

WHY DON'T YOU STEP TO PODIUM, PLEASE, AND STATE YOUR NAME AND ADDRESS AND WE'LL CERTAINLY LET YOU SAY YOUR PIECE.

Response to Comment 18-36

Any public funds that have been spent in the NEPA and CEQA processes have been reimbursed by Kaiser/MRC through a trust fund. Please see the Response to Comment 195-22.

Response to Comment 18-37

See General Response 2.

Response to Comment 18-38

Comment noted.

BY MR. CHARLES BOYD: MY NAME IS CHARLES BOYD. I'M PRESIDENT AND OWNER OF C.G. BOYD AND ASSOCIATES, A CONSULTING AND DEVELOPMENT COMPANY FOR RECYCLING.

18-39

THERE'S SEVERAL THINGS THAT CONCERN ME ABOUT THIS WHOLE PLAN. WHEN YOU LOOK AT THE DECISION THAT ASIA HAS MADE, ALL OF ASIA HAS MANDATED THAT ALL THE LANDFILLS BE CLOSED BY THE YEAR 2005 BECAUSE OF CONTAMINATED WATER. IF YOU LOOK AT CALIFORNIA ARTICLES, JUST IN JANUARY OF THIS YEAR IT SHOWS THAT 45,000 WELLS IN CALIFORNIA ARE NOW CONTAMINATED FROM LANDFILLS.

IF YOU LOOK AT THE FINANCIAL PORTION OF THIS, IT'S HARD TO BELIEVE THAT THERE'S ANY REASONABLE DOUBT WHATSOEVER THAT THEY CAN BRING THIS PROJECT IN FOR THE PRICE (INAUDIBLE)

18-40

WHEN YOU CONSIDER THAT THEY'VE GOT TO RESUBMIT ALL THE PERMITS, BECAUSE ONCE YOU CLOSE DOWN A FACILITY OR ONCE YOU CLOSE DOWN AN OPERATION AND ONCE YOU DECIDE THAT YOU ARE NOT GOING TO DO THAT ANYMORE, THOSE PERMITS ARE SHELVED, AND THEY HAVE TO BE RENEWED.

THE OTHER THING IS, THE REMEDIATION COSTS ALONE OUT THERE WOULD BE IN THE MILLIONS AND MILLIONS OF DOLLARS. AND

18-41

TO GET TO THE PITS, YOU'VE GOT TO HAVE ANOTHER 124 MILES OF RAILROAD. AND YOU'RE TALKING ABOUT, IF I REMEMBER RIGHT, 30-SOME-ODD BRIDGES THAT HAVE TO BE CONSTRUCTED AT $750,000 APIECE. OKAY. SO YOU'RE LOOKING AT APPROXIMATELY $125 MILLION DOLLARS TO CONSTRUCT THAT RAILROAD BACK INTO THERE BECAUSE IT'S ALL BEEN CONDEMNED.

Response to Comment 18-39

(a) Commenting on the waste management policies of foreign countries is beyond the scope of the present EIS/EIR; consequently no response is required.

(b) Without reference to the specific "California articles" cited, no response is possible. The commenter is referred to EIS/EIR Section 4.1, and General Response 5, which discusses the potential for and mitigation to prevent groundwater contamination.

Response to Comment 18-40

Comment acknowledged.

Response to Comment 18-41

(a) It is unclear as to what the commenter means by "remediation costs." Consequently, no detailed response is possible.

(b) As discussed in the EIS/EIR, the proposed Project would utilize the existing Union Pacific (formerly Southern Pacific) main line from Colton to Ferris Junction, and then the approximately 52-mile long Eagle Mountain rail line to the Project site. No additional rail line or bridge construction would be required.

(c) This comment is incorrect. Kaiser's private rail line has not been condemned, but does require some maintenance and rehabilitation prior to the site accepting waste by rail.

(d) As discussed in Section 2.1.4.1 of the EIS/EIR, average daily truck transport of waste to the landfill will range from 50 to 100 trucks per day over the life of the landfill. No more than 100 trucks per day will deliver waste to the site. The railroad will be upgraded during initial construction of the landfill.

NO. 2, WHAT ARE THEY GOING TO DO WITHOUT -- ARE THEY GOING TO HAVE 600, 1,200, 1,500 TRUCKS A DAY ON THE ROAD GOING TO THE MOUNTAIN UNTIL THEY GET THAT RAIL SITE DONE?

I HEARD A STATEMENT JUST NOW ABOUT THE PM10 LAW RULE. IF YOU LOOK AT THE AIR QUALITY ENVIRONMENTAL LAWS THAT ARE COMING OUT RIGHT NOW, THEY'RE ADDRESSING THE ISSUE OF PARTICULATE MATTER IN THE DESERT. THEY ARE GETTING READY TO 18-42 REVISE THEIR WHOLE REALM OF REGULATIONS CONCERNING POLLUTANTS BECAUSE THEY KNOW NOW THAT THE CLOSURE OF ALL THE INDUSTRIES AND CLOSURE OF THE ALL BASES, THERE'S NO MORE HAZARDOUS WASTE CONTAMINANTS OR TOXIC MATERIALS IN THE AIR ANYMORE; IT'S ALL DUST. PM10 IS NOTHING MORE THAN A MICROTYPE OF DUST.

WHEN YOU LOOK -- WHEN YOU GO TO WASHINGTON, D.C. AND KEEP HEARING THE TERMINOLOGY "INTEGRATED WASTE, INTEGRATED WASTE DISPOSAL." IF YOU LOOK AT THIS 18-43 TERMINOLOGY -- AND IF ANYBODY HERE HAS EVER ATTENDED THE SEMINARS -- THESE FACILITIES ARE CAPABLE OF RECYCLING 100 PERCENT OF ALL WASTE STREAMS WITHOUT DRIVING ANY VEHICLE MORE THAN A 50-MILE RADIUS. THEY EMPLOY ON THE AVERAGE PER SITE 1,500 EMPLOYEES AT $10 AN HOUR OR BETTER IN A HIGH-TECH INDUSTRY. YOU DON'T NEED A LANDFILL.

18-44 AND THERE'S NO BODY IN THIS ROOM THAT'S GOING TO TELL ME THAT EAGLE MOUNTAIN LANDFILL, AS BIG AS IT IS, IS GOING TO EMPLOY 1,200 PEOPLE, BECAUSE IT'S NOT. IT'S NOT. I'VE DEALT TOO MANY TIMES WITH LANDFILLS. I'VE BEEN ON THE CAL BENBER (PH) CANYON PROJECT AND SEVERAL OTHER PROJECTS IN THE STATE OF CALIFORNIA AND FOR THE VALLEY. YOU DON'T EMPLOY 1,200 PEOPLE. IT MIGHT EMPLOY 1,200 DRIVERS TO GET THE WASTE THERE, BUT NOT 1,200 PEOPLE ON-SITE.

Response to Comment 18-42

The Draft EIS/EIR contains a detailed analysis of the Project's consistency with federal, state and local regulations, including an analysis of compliance with existing fine particulate matter (PM_{10}) regulations. The EPA is in the process of developing new NAAQS for fine particulate matter known as $PM_{2.5}$ NAAQS. These new ambient air quality standards are expected to be finalized during the summer of 1997. Because the EPA is considering a broad range of ambient air quality levels for the new $PM_{2.5}$ standards, it would be speculative to analyze the proposed Project's consistency with these proposed standards. Most of the proposed Project's $PM_{2.5}$ emissions will be associated with the operation of the landfill gas flares. Since the air quality impact analyses performed for the Draft EIS/EIR show that landfill gas flare impacts are well below the existing PM_{10} NAAQS, we do not expect any difficulties showing compliance with the new $PM_{2.5}$ NAAQS. Analyses showing compliance with the new $PM_{2.5}$ NAAQS will be required during the future development of the proposed Project as part of the SCAQMD permitting process.

Response to Comment 18-43

The comment's reference to any technologies currently in place or planned that will recycle 100 percent of the waste stream is unsupported. The current State of California's goal is to recycle 50 percent of the waste by the year 2000. Most other states have adopted similar goals.

Response to Comment 18-44

The EIS/EIR does not project the creation of 1,200 onsite jobs directly related to landfill operation. See Response to Comment 17-47.

THE OTHER THING IS, WHEN YOU LOOK AT THE ENVIRONMENT, WHICH IS NOT AN ISSUE TO ME BECAUSE I BELIEVE THE TECHNOLOGY IS THERE TODAY -- IS THERE TO WHERE WE DON'T NEED A LANDFILL IN THE FIRST PLACE. AND IT'S OFF-THE-SHELF. WE'RE NOT TALKING ABOUT THINGS THAT ARE NOW, WE'RE NOT TALKING ABOUT SOMETHING THAT IS GOING TO BE BUILT OR EFFECTED THROUGH AN R AND D EFFORT, WE'RE TALKING ABOUT SOMETHING THAT YOU CAN GO OUT HERE TOMORROW MORNING AND PURCHASE.

OKAY. COMPOSTING IS A STATE OF THE ART TODAY. IT'S ALL INSIDE, IT'S NOT OUTSIDE. ONLY RIVERSIDE PUTS ALL THEIR COMPOST OUTSIDE. NOBODY ELSE DOES IT OUTSIDE. EVERYBODY ELSE DOES IT INSIDE A BUILDING AND FREES THE DEBRIS.

THIS REMARK I HEARD A LITTLE WHILE AGO ABOUT DRY WASTE GOING TO THE LANDFILL. THINK ABOUT THAT, PEOPLE. ISN'T THAT SORT OF RIDICULOUS WHEN YOU KNOW DAMN GOOD AND WELL IT'S GOING TO RAIN.

THAT'S ALL I HAVE TO SAY.

(APPLAUSE.)

MR. ROUNTREE: THANK YOU, MR. BOYD.

MR. BOYD, IF YOU WOULD, PLEASE, CHECK WITH THE FOLKS IN THE BACK. I DON'T HAVE A RECORD OF YOU. IF YOU COULD, JUST MAKE SURE THAT YOU DO SIGN UP SO THAT THEY CAN KEEP AN ACCURATE RECORD, I'D APPRECIATE IT

IS THERE ANYONE ELSE WHO WOULD LIKE TO MAKE A STATEMENT? YES, SIR. HOLD YOUR COMMENT JUST A MINUTE, PLEASE, SIR. SHE'S GOT TO CHANGE THE PAPER ON THE TRANSCRIPTION MACHINE.

(OFF THE RECORD.)

Response to Comment 18-45

See General Responses 1 and 2.

Response to Comment 18-46

Comment acknowledged.

MR. ROUNTREE: OKAY, SIR. IF YOU WOULD PLEASE STATE YOUR NAME AND ADDRESS AND WHO YOU REPRESENT.

BY MR. CLAYTON NESS: MY NAME IS CLAYTON NESS. I'M THE GENERAL MANAGER OF THE PUBLIC EMPLOYEES ASSOCIATION 18-47 OF RIVERSIDE COUNTY. WE REPRESENT APPROXIMATELY 10,000 PUBLIC EMPLOYEES IN THE COUNTY OF RIVERSIDE.

I'M HERE PRIMARILY TO REITERATE WHAT I SAID SEVERAL YEARS AGO, AND WHAT THE ORGANIZATION SAID SEVERAL YEARS AGO, AND THAT IS THAT THE EAGLE MOUNTAIN PROJECT, IN OUR ESTIMATION, IS GOOD FOR THE COUNTY OF RIVERSIDE, ITS CITIZENS, AND IN GENERAL -- AND I'M NOT GOING TO TRY TO MISLEAD YOU THAT I'M ON SOME KIND OF PUBLIC CRUSADE IN SUPPORT OF THE PROJECT. I'M HERE FOR A VERY SELFISH REASON.

THE ONLY THING THAT HAS CHANGED BETWEEN THE LAST TIME I ADDRESSED ANYONE ON EAGLE MOUNTAIN IS WE'VE HAD ABOUT THREE OR FOUR MORE YEARS OF RECESSION. 450 PUBLIC EMPLOYEES HAVE BEEN LAID OFF. THE PROBATION DEPARTMENT HAS ALMOST BEEN BLASTED INTO OBLIVION FOR THE LACK OF FUNDING. IF THERE'S ANYONE AT THE PODIUM OR UP ON THE DAIS THAT WORKS FOR THE PLANNING DEPARTMENT, I DON'T HAVE TO TELL YOU WHAT HAS HAPPENED TO PLANNERS IN THE COUNTY OF RIVERSIDE AND HOW THAT DEPARTMENT HAS BEEN DEVASTATED.

WE SEE THE EAGLE MOUNTAIN MINE AS A POTENTIAL -- A STEADY SOURCE OF INCOME DOLLARS INTO THE GENERAL FUND OF THIS COUNTY. RIGHT NOW THE COUNTY IS HAVING SERIOUS THOUGHTS ABOUT WHAT THEIR OBLIGATIONS ARE TO THE OTHER SERVICES. THAT TRANSLATES TO GOING OUT OF SOME OF THE SOCIAL SERVICES AND PEOPLE-ORIENTED FUNCTIONS THE GOVERNMENT HAS TRADITIONALLY SUPPLIED ITS CITIZENS THROUGH - BY WAY OF TAXPAYERS.

Response to Comment 18-47

Comment acknowledged.

APPROXIMATELY THREE YEARS AGO, BECAUSE THE STATE WAS IN TROUBLE FINANCIALLY, THEY PERFORMED A TAX SHIFT THAT SHIFTED $45 MILLION A YEAR OUT OF THE COUNTY BUDGET TO THE STATE BUDGET. AND THAT'S A PERMANENT LOSS OF REVENUE. HAD NOT THE SHARER HAD BEEN ON THE BOARD OF SUPERVISORS. TO GET INTO HIS RESERVES, THE $206.5 MILLION, THEY WERE TALKING ABOUT LAYING OFF 600 PUBLIC EMPLOYEES IN THIS COUNTY. LAID-OFF COUNTY EMPLOYEES DON'T GET THEIR CARS WASHED AT THE CAR WASH, THEY DON'T BUY NEW FURNITURE, THEY DON'T BUY NEW CARS, AND THEY DON'T CONSUME WITHIN THE COMMUNITY.

WE THINK THAT THE PUBLIC EMPLOYEES AND THAT EMPLOYMENT PHASE IS VERY VITAL TO THE TOTAL ECONOMY OF THIS COUNTY. WE THINK THAT IN COMBINATION WITH THE PROPOSITION

THAT OURSELVES, IN CONCERT WITH OTHER PUBLIC EMPLOYEES UNIONS, HAVE QUALIFIED FOR THE BALLOT, THAT WILL GENERATE ABOUT $11 MILLION IN THE COUNTY FUNDS, THAT THAT, IN COMBINATION WITH WHAT EAGLE MOUNTAIN POTENTIALLY WILL CONTRIBUTE TO THE COUNTY GENERAL FUND, THAT WE CAN MAINTAIN A FAIRLY STABLE COUNTY PUBLIC EMPLOYEE BASE WITHIN THIS COUNTY.

WITHOUT THAT, IT'S GOING TO BE A ONE YEAR TO ONE YEAR TO END THIS PROPOSITION. AND THE NEXT TIME THE ECONOMY TAKES A DIP, THEN THOSE PEOPLE AREN'T GOING TO BE GOING TO THE CAR WASH, THEY'RE NOT GOING TO BE BUYING FURNITURE, THEY'RE GOING TO BE MARCHING WITH PEOPLE IN THE UNEMPLOYMENT LINES.

WE DON'T KNOW AS WE STAND HERE WHAT THE IMPLICATIONS OF THE WELFARE REFORM BILL ARE. WE KNOW THAT THE COUNTY IS GOING TO BE OBLIGATED TO PROVIDE MEDICAL CARE AND ASSISTANCE TO THE LEGAL IMMIGRANTS, WHO THE CONGRESS SAYS ARE NO LONGER ENTITLED. BUT UNDER LAW, THE COUNTY MUST PROVIDE THOSE SERVICES.

WE THINK, IN THE TOTALITY OF THIS COMMUNITY -- AND I FULLY RESPECT DIVERGENT OPINIONS -- PEOPLE ARE CONCERNED ABOUT TORTOISES AND BATS AND THE OTHER THINGS, BUT THERE'S ANOTHER SPECIES THAT LIVES IN THIS SOCIETY AS WELL, AND IT'S CALLED A HUMAN BEING. IT'S CALLED A HUMAN BEING WITH A FAMILY, AND IT'S CALLED SOMEBODY THAT HAS TO SURVIVE IN THE ECONOMY THAT'S GONE ALMOST STRAIGHT DOWN THE TOILET IN THIS STATE.

THIS WILL REVITALIZE THE AIR. THIS WILL PROVIDE GOOD EMPLOYMENT, GOOD DECENT-PAYING JOBS AT EAGLE MOUNTAIN. THEY WILL ALSO CONTRIBUTE TO THE COUNTY GENERAL FUND WHICH WILL KEEP PUBLIC EMPLOYEES ON THE PAYROLL, WHO MAKE A SUBSTANTIAL LIVING. I DON'T THINK ANY OF THEM MAKE A KILLING, BUT AT LEAST THEY'RE AN INTEGRAL PART OF THIS COMMUNITY CALLED THE MIDDLE CLASS. TAKE THOSE PROPS OUT FROM UNDERNEATH THEM, AND I DON'T KNOW WHAT THE FUTURE MAY BRING.

SO I THINK ANY FAR-SEEING, OR ANYBODY THAT THINKS ABOUT THE COMMUNITY AS A COMMUNITY, AND NOT ABOUT THEIR SELFISH INTEREST, WILL SUPPORT THIS PROJECT. IT'S GOOD FOR THE COMMUNITY AND IT'S GOOD FOR THE FAMILIES IN THIS COMMUNITY.

INCIDENTALLY, I WAS BORN HERE BACK IN 1938 AND I'VE LIVED HERE MOST OF MY LIFE. THANK YOU VERY MUCH.

MR. ROUNTREE: THANK YOU.

(APPLAUSE.)

IS THERE ANYONE ELSE IN THE AUDIENCE WHO WOULD LIKE TO MAKE A STATEMENT? MR. CHARPIED.

BY MR. LARRY CHARPIED: 30 SECONDS.

I NEED BLM TO TELL US WHAT NEGOTIATIONS BETWEEN THE MCR AND THE COUNTY ARE GOING ON AS FAR AS FINANCES AND ALL THAT SO THAT MAYBE THE PUBLIC COULD HAVE A LITTLE INPUT INTO THAT, MAKE SURE WE GET A GOOD DEAL OUT OF THAT. AND RICK SAID IT WAS GOING TO BE CLEAN AND NONHAZARDOUS. .05 PERCENT WILL BE HAZARDOUS WASTE, THERE'S NOTHING THEY CAN DO ABOUT IT. THAT'S 40,000 POUNDS A DAY THAT'S GOING TO GO IN THERE.

AND THE FIRST FELLOW SHOULD THINK THAT THE REALITY -- WHEN THEY CLOSE THE DUMPS AROUND HERE, THEY LOSE THOSE JOBS. THE REALITY IS IF HE WAS INTERESTED IN CREATING JOBS, HE WOULD GET INTO LANDFILL MINING, THEY WOULD BE ABLE TO STOP THE POLLUTION AND CREATE LANDFILL SPACE AND MAKE JOBS AND THEY WOULD BE A GOOD SOURCE TO RELY ON. THANK YOU.

MR. ROUNTREE: THANK YOU, MR. CHARPIED.

ANY OTHER STATEMENTS? YES, SIR. PLEASE STATE YOUR NAME, ADDRESS AND WHO YOU REPRESENT.

Response to Comment 18-48

No negotiations have been conducted between MRC and the County of Riverside pertaining to Project financing. The Project will be financed by MRC and/or Kaiser. If the Project is sold, it will be financed by the entity that buys the Project. The draft Development Agreement between the County and MRC and Kaiser requires successors in interest to be legally bound by the same requirements.

Response to Comment 18-49

The source of the comment's figures is unclear. As discussed in Section 4.2.2 of the EIS/EIR, a "worst-case" level of hazardous waste in the municipal waste stream, based on historic surveys at existing landfills, ranges from 0.2 to 0.6 percent by weight. These surveys were conducted for waste streams that were not prescreened and not subject to recycling prior to landfilling, as required under Assembly Bill (AB) 2702 and AB 939. Information from the California Integrated Waste Management Board, as well as from operating experience at existing landfills, indicates that the volume of hazardous wastes in the waste stream going to landfills is small and effectively isolated by the much larger mass on nonhazardous solid waste. The 40,000 pounds per day cited in the comment represents the peak daily acceptance of waste at the landfill. It does not represent hazardous waste.

Response to Comment 18-50

(a) The comment is correct that with the ultimate closure of the proposed landfill, employment directly related to landfilling activities will cease. These jobs and their economic benefits, however, will exist for approximately a century prior to cessation.

(b) The Draft EIS/EIR discusses landfill mining in detail as an alternative considered but eliminated from further consideration (Section 2.8.4, pages 2-72 to 2-76). The commenter is referred to Responses to Comments 20-47 and 195-29 for a more detailed discussion of why landfill mining is not a feasible alternative to the proposed Project.

BY MR. RAYMOND LUNA: GOOD EVENING, FOLKS. MY NAME IS RAY LUNA. I LIVE IN COLTON, CALIFORNIA. I'M NOT MUCH OF
18-51 A SPEAKER, BUT THIS WILL RELATE TO WHAT THIS MAN JUST SAID. YOU CAN HAVE RATS GOING UP ALL THE WAY TO (INAUDIBLE). THE PRECEDING MAN, HE SAID SOMETHING ABOUT LAYING TRACKS. THE TRACKS AREN'T GOING TO BE LAID BY THEMSELVES. THEY'RE GOING TO BEING HIRE PEOPLE WHO'LL BE MAKING MONEY TO LAY THOSE TRACKS.

NOW, WHENEVER THESE TRUCKS THEY WERE TALKING ABOUT PICK UP THE GARAGE OR WHATEVER, THEY CAN HAVE DESIGNATED RAMPS TO FILL THE TRUCKS, CARS, RAILROAD CARS AND TAKE THEM TO THE DESTINATION. THEY CAN BE CITY TRUCKS, THEY CAN PICK UP THE GARBAGE AND WHATEVER IN THAT CITY OR WHATEVER. THIS IS JUST AN IDEA. THAT'S ALL I'VE GOT TO SAY. THANK YOU.

MR. ROUNTREE: THANK YOU, SIR.

ANY OTHER STATEMENTS?

I WANT TO AGAIN THANK ALL OF YOU FOR TAKING TIME FROM YOUR BUSY SCHEDULES TODAY TO ATTEND THIS SESSION. IT'S BEEN AN OPPORTUNITY FOR ME. I'M IN SACRAMENTO AND DON'T HAVE A CHANCE TO GET DOWN HERE THAT OFTEN, AND WOULD LIKE TO COMMEND ALL OF YOU FOR TAKING THE TIME, AS WELL AS THE ESSENCE OF YOUR COMMENTS; THE QUALITY OF YOUR COMMENTS I THINK WILL BE EXTREMELY VALUABLE FOR THE BUREAU TO ARRIVE AT A DECISION, AS WELL AS THE COUNTY.

I WOULD ALSO LIKE TO REITERATE THAT YOUR COMMENTS THAT ARE RECEIVED TODAY WILL BE USED IN THE DECISION PROCESS AND IT WILL BE AS IMPORTANCE AS WRITTEN COMMENTS AS WELL. I ALSO WANT TO REMIND YOU THAT WRITTEN COMMENTS WILL BE ACCEPTED ON THIS DOCUMENT UP UNTIL SEPTEMBER THE 17TH, 1996, AND WOULD ENCOURAGE ALL OF YOU TO COMMENT.

Response to Comment 18-51

Comment acknowledged.

I WOULD LIKE TO THANK YOU AGAIN, AND DECLARE THIS HEARING CLOSED. THANK YOU.

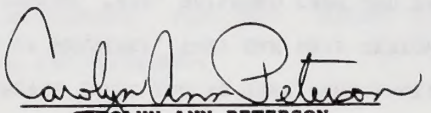
(HEARING CONCLUDED AT 5:25 P.M.)

I, CAROLYN ANN PETERSON, CSR NO. 3195, DO HEREBY CERTIFY:

THAT SAID HEARING WAS TAKEN DOWN BY ME IN SHORTHAND AT THE TIME AND PLACE THEREIN NAMED AND THEREAFTER REDUCED TO COMPUTERIZED TRANSCRIPTION UNDER MY DIRECTION.

I FURTHER CERTIFY THAT I AM NOT INTERESTED IN THE EVENT OF THE ACTION.

WITNESS MY HAND THIS 22ND DAY OF AUGUST, 1996.



CAROLYN ANN PETERSON,
CSR NO. 3195

RESPONSES TO COMMENTS
ORGANIZATIONS

COMMENT LETTER 19

Committee for Protection of Rural Independence

William M. Davis, Chairman
Ray Kirkham, Vice Chairman
Betty W. Newman, Secretary-Treasurer
Frank Giesing, Joshua Tree Coordinator

7424 Morningstar Rd., Twentynine Palms, CA 92277 Phones: (619) 367-1973 or (619) 367-7694 or (619) 366-8729

August 3, 1996

Eagle Mountain Landfill & Recycling Center Project
Bureau of Land Management
6221 Box Springs Blvd.
Riverside, CA 92507

Topic:
CPRI Initial Comments on Draft Environmental Impact Statement/Environmental Impact Report on Eagle Mountain Landfill and Recycling Center, State Clearinghouse No. 95052023.

Dear Sirs:

The Eagle Mountain mega-dump project has been with us now for many years, as an absurd idea which just now attempts to repeat itself in the face of real environmental objections, National Park opposition, and public rejection of the idea. We have reviewed the previous EIR/EIS on this project along with the legal decision which rejected the previous environmental documentation. This document is still flawed in exactly the same way.

Let us for a moment take a look at the proposition the proponent is making. This is the claim that HDPE liners can contain the pollution of this dump and keep it out of the groundwater. The problem is that this project in essentially an attempt by the proponent to release the garbage to the environment rather than to contain it. We cannot believe that the proponent actually believes the project would "protect the groundwater" in perpetuity. 1

The factual material indicates that all known liner materials leak and that all of these HDPE liners have a maximum depth of trash which can be piled on top of them before they fail due to the mechanical stress. The proponent want the dump approximately 10 times too deep (400 ft. high) to even rely on these liner systems for short-term leachate containment. The proponent knows this. So does the EIR/EIS contractor. Following are our comments relative to this matter:

Response to Comment 19-1

This Comment has two components. The first component, concerning leakage through HDPE geomembrane liner materials, is addressed in Comment Response 19-2. The second component, concerning the effect on the HDPE geomembrane liner of stress due to the planned depth of waste, is addressed in the following paragraphs.

The HDPE geomembranes in the liner system and the unsaturated zone monitoring layer have been designed to perform under the stresses that will be imposed by the waste mass. Extensive calculations of these stresses were performed during preparation of the ROWD. Specifically, calculations were performed for the slope stability analyses described in Section 8 of the ROWD and for the settlement analyses described in Section 11. Appendix K of the ROWD provides extensive information on the stresses that will occur at the bottom of the landfill. See Response to Comment 36-2.

The stresses generated by the landfill were accounted for in the landfill design. The slopes (inclines) on which the liner system will be placed have been fully accounted for in evaluating these stresses. One example of this fact is that, as described in Section 2.1.5.1 of the Draft EIS/EIR, a geotextile cushion layer will be placed over the HDPE geomembrane component of the liner system in all areas of the landfill to protect the geomembrane from the materials in the overlying leachate collection and removal system. The geotextile was selected specifically to limit the liner system stresses on the landfill slopes. Another example is that interface strength tests of the liner system components were performed at normal stresses up to 40,000 lb/ft^2. This normal stress corresponds to a depth of waste and daily cover of approximately 600 feet. Please also see General Response 5.

COMMENT: EAGLE MT. DUMP

1. ALL OF THE MATERIALS THE PROPONENTS HAVE SELECTED FOR THE LINER SYSTEM HAVE ESTABLISHED RATES OF PERCOLATION OR EMPIRICALLY DETERMINED LEAKAGE RATES. THIS MEANS THERE IS NO CHANCE THE DUMP WILL NOT LEAK. 2

Response to Comment 19-2

The leachate containment capability of the liner system, in combination with other design and operational features of the landfill, provides for an overall design that is fully capable of protecting the groundwater. With respect to the liner system, the individual components of the composite liner (i.e., the HDPE geomembrane and underlying 2-foot-thick, compacted, low-permeability soil layer) have complementary physical and hydraulic properties. These complementary properties result in a combined geomembrane and low-permeability soil liner, which has a leakage potential hundreds of times smaller than that of either individual component. Leakage potential is then further reduced by the installation of a second composite liner below the unsaturated zone monitoring layer. In addition, a third composite liner will be installed under the leachate collection and removal system sumps, which are the low points to which any leachate will flow.

The complementary nature of the composite liner design and the redundancy of including multiple composite liners is mirrored by the overall landfill design. Specifically, the landfill design described in Section 2.1.5 and Appendix C-3 of the Draft EIS/EIR includes multiple redundant and complementary systems to prevent landfill impacts on groundwater quality. These systems include the following: (1) liner system; (2) leachate collection and removal system; (3) unsaturated zone liquid and gas monitoring systems; (4) final cover system; (5) active gas extraction system; (6) groundwater monitoring system; and (7) surface water monitoring system. The effectiveness of these systems will be further enhanced by the arid site conditions that will result in negligible long-term leachate generation, as described in Section 4.1.2.1 and Appendices C-3 and C-5 of the Draft EIS/EIR. In addition, landfill operational practices, including closure and postclosure maintenance activities, will be conducted, as described in Sections 2.1.7 and 2.1.9 of the Draft EIS/EIR, in a manner to minimize further the potential for leachate generation.

The combined influence of the design features of the liner system and the other landfill systems, arid site conditions, and landfill operational practices will result in a facility where the potential for leakage and groundwater contamination is negligible.

2. SOME OF THE LANDFILL SITE IS AN ABANDONED IRON MINING PIT. THIS PIT WAS THE SITE OF BLASTING FOR MANY YEARS. THIS PROJECT IS REMINISCENT OF THE STRINGFELLOW DUMP. THE EIR/EIS TREATS THE "BEDROCK AQUIFER" AS IF IT WERE SOMEHOW UNIFORM IN CHARACTER AND AS IF IT WERE POSSIBLE TO QUANTIFY THE RATE OF PERCOLATION WHEN IT IS ACTUALLY DEPENDENT ON THE AMOUNT OF BLASTING WHICH HAS OCCURRED IN THE AREA OVER TIME. AT STRINGFELLOW, THE FRACTURING CAUSED BY THE BLASTING IN THE QUARRY PROVIDED READY-MADE CONDUITS FOR THE POLLUTION WITH *FLOW RATES RATHER THAN PERCOLATION RATES.* 3

3. THE EIR/EIS DOES NOT ACKNOWLEDGE THAT THIS PROJECT WOULD AMOUNT TO A SIGNIFICANT POLLUTION OF A SIGNIFICANT WATER SUPPLY AQUIFER FOR FARMING AND FOR DOMESTIC SUPPLY. 4a

DOES THE EIR/EIS CONTRACTOR (CH2M HILL) NOT HAVE ANYBODY ABOARD WHO UNDERSTANDS THAT DUMPS AND PLASTIC LINERS LEAK OVER TIME AND THAT TIME CAN BE VERY SHORT WHEN FRACTURED BEDROCK IS INVOLVED. 4b

Response to Comment 19-3

The bedrock conditions below the landfill have been extensively studied. Bedrock beneath the site is fractured, as is virtually all bedrock due to tectonic stresses in the earth. Near the ground surface, in areas of previous mining, blasting contributed additional fracturing. The overall permeability of the bedrock will be controlled by the natural fracturing. The overall effect of blasting on permeability at depth is insignificant. The hydraulic conductivity of the bedrock and the influence of fractures on flow through the bedrock are discussed in Section 3.1.2 of the EIS/EIR. Measured hydraulic conductivities at the site generally range from 1×10^{-5} cm/s to 1×10^{-4} cm/s. Localized zones of higher hydraulic conductivities in the range of 1×10^{-2} to 1×10^{-3} cm/s associated with onsite faulting and geologic dikes. Areas influenced by past blasting are anticipated to have hydraulic conductivities within the ranges identified. The EIS/EIR, therefore, did address the fractured bedrock.

Response to Comment 19-4

(a) See General Response 5. The Draft EIS/EIR concludes in Section 4.1.2.1 (page 4.1-9, *Impacts*) that "When all of the various site conditions and required operational and design components are considered together, the possibility of a leachate release from the proposed Eagle Mountain Landfill is unlikely." In addition, on page 4.1-14 (*Significance After Mitigation*) the Draft EIS/EIR states: "With the implementation of the proven regulatory requirements for landfill containment and the added protection afforded by the mitigation measures described [under *Mitigation*], groundwater quality would not be affected by leachate releases from the Eagle Mountain Landfill, and, therefore, impacts would be reduced to below the level of significance. Similarly, leachate from the proposed landfill would not contaminate public water supplies, and the mitigation measures incorporated into the proposed action would reduce impacts to below the level of significance."

Other potential impacts to groundwater quality by the proposed Project, including groundwater quality degradation from landfill gas, contaminant releases to groundwater from landfill-support facilities, and contaminant release to groundwater from Townsite facilities, are identified in

4. THIS EIR/EIS IS FLAWED IN EXACTLY THE SAME WAY THE PREVIOUS EIR/EIS WAS...FAILURE TO IDENTIFY THE DUMP'S CERTAINTY OF POLLUTING THE GROUNDWATER.

4c

5. THERE TRULY IS NO MITIGATION POSSIBLE FOR THIS IMPACT. THE AQUIFER IS OF SUFFICIENT SIZE THAT ONCE A RELEASE HAS OCCURRED, THE COST TO PUMP AND TREAT THE PLUME WOULD BE STAGGERING. THERE IS NO ACCOUNTING IN THE EIR/EIS FOR THIS EVENTUALITY, WHICH IS THE CERTAIN EVENTUALITY FOLLOWING

5

COMMENT: EAGLE MT. DUMP

THE IMPLEMENTATION OF THIS PROJECT. THE PROPONENTS ON THE BOLO STATION LANDFILL LIKEWISE REFUSED TO ADDRESS WHAT WOULD ACTUALLY HAPPEN ONCE THEIR LINERS FAIL. THESE "STATE OF THE ART" LINERS HAVE ALL BEEN TESTED AND THEY ALL LEAK. THIS MEANS THAT THIS DUMP EIR/EIS MUST HAVE A SECTION ON CLEANING UP A POLLUTED AQUIFER, AND AN ACCOUNTING OF THE COSTS OF THIS CLEAN-UP.

Section 4.1.2.1 (pages 4.1-14 through 4.1-19) and determined not to significantly affect groundwater quality or contaminate a public supply.

(b) See Response to Comments 16-48, 17-10, and 17-32.

(c) See Response to Comment 19-4a.

Response to Comment 19-5

These issues are addressed in Section 4.1.2.1 of the Draft EIS/EIR. Additional information is available in Section 11 of the ROWD, as described below. See also General Response 5.

Section 4.1.2.1 of the Draft EIS/EIR indicates that a release of leachate or gas from the landfill that would significantly affect groundwater quality is highly unlikely because of the combined influence of the arid site conditions, landfill liner and cover system requirements, and landfill operation requirements. In the unlikely event of a release through the liner system, the unsaturated zone monitoring systems, which blanket the ground surface beneath the liner system, will allow detection, evaluation, and response to the release prior to the occurrence of groundwater impacts.

Section 4.1.2.1 of the Draft EIS/EIR also indicates that in the event that a release evades detection and collection in the unsaturated zone monitoring systems and is then detected in the groundwater monitoring system, regulations require that evaluation monitoring and corrective measures be implemented to remediate any contamination of the groundwater that may have resulted from the release. The required measures are described in detail in Section 11 of the ROWD. The cost of corrective measures for two hypothetical release scenarios is discussed in revised Subsection 11.11 of the ROWD, which is included as Appendix W to Supplemental Volume 1 of the ROWD. SWRCB requirements require financial assurance to fund corrective measure requirements.

The Committee disapproves of this project because it meets certain criteria in its scope and intent which qualify it as environmentally unsound and socially irresponsible. If this project were simply not wanted by the local population for whatever reason they may cite, this alone should bring consideration of this project to an end. You have already experienced this resistance and yet the proponent persists. There is no way to make this project acceptable:

6

a. Air pollution will be increased in the local area.
b. Traffic (rail and truck) will increase.
c. Endangered species will be destroyed.
d. The project will affect areas of natural scenic beauty.
e. The groundwater in the area will be polluted.
f. Trash will blow around the area and into the National Park.
g. The proponent will attempt to avoid the final cleanup of this mess and this will fall on the local tax payers.

We are certain you have heard all of these objections before. We want to make it clear we are OPPOSED to this project and support only the NO PROJECT ALTERNATIVE. WE ASK THE COUNTY OF RIVERSIDE AND THE U. S. BUREAU OF LAND MANAGEMENT TO RECOGNIZE THE LIABILITIES OF THIS PROJECT AND DENY THE PROPONENT'S REQUESTS FOR LAND TRANSFERS AND PERMITS.

Yours Truly,

Ray Kirkham

Ray Kirkham, Vice Chairman, CPRI

3

Response to Comment 19-6

(a) Comment acknowledged.

(b) Numerous responses to comments address the concerns about these impacts. Please refer to General Responses 3, 5, 6, and 7. Also see Comment 20-51.

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JULY 23, 1996

OPPOSITION POSITION PAPER ON THE PROPOSED EAGLE MOUNTAIN DUMP

BACKGROUND: Kaiser Ventures, Inc., and Mine Reclamation Corp, ("KVI/MRC"), first applied for a regional trash dump to be located at Eagle Mountain California, in Eastern Riverside County, in 1988. The proposal calls for the dumping of 20,000 tons of garbage a day from throughout Southern California, and from wherever the companies could obtain a contract. The proposal also calls for an exchange of lands totaling about 3,500 acres of public lands, currently administered by the Bureau of Land Management, ("BLM"), for about 2,800 acres of land currently owned by KVI. The plan also includes an amendment to the California Desert Conservation Act ("CDCA").

A joint EIR/EIS was produced, and in 1992 the project won approvals from the Riverside County Board of Supervisors. Project opponents filed a lawsuit in the Superior Court, and were successful. In June 1994, the Court deemed the EIR inadequate, and ordered a new EIR to be conducted prior to furtherance of the project . In November 1994, the Riverside County Board of Supervisors rescinded all prior approvals, rendering all previously issued permits invalid.

In October 1993, the BLM approved the land exchange, and opponents filed appeals in the U.S. Department of Interior, Board of Land Appeals, ("IBLA"). January 1994, IBLA ruled, in part, "...there are serious, substantial, difficult, and doubtful questions about the land exchange...". Finally, in April 1995, IBLA vacated all decisions rendered by BLM, and remanded the case back to BLM.

KVI/MRC have reapplied for the dump project, and the new Draft EIR/EIS was released to the public July 1996, for public and agency comment.

EXECUTIVE SUMMARY: There are a myriad of reasons to oppose the dump project, including but not limited to environmental consequences, philosophies surrounding solid waste management, and moral & ethical rationale.

As stated earlier, the project calls for the dumping of 20,000 tons of garbage a day transported by rail and truck, to a defunct iron-ore mine located at Eagle Mountain, on the doorstep of Joshua Tree National Park, a "Crown Jewel" of the Desert. Opposition to the dump swelled in early 1990, with grassroots organizations, national environmental organizations , and many, many, concerned citizens who testified before the decision-makers. Of interest is the Riverside County Planning Commission voted 4 to 1 to recommend rejection of the project. However, the Board of Supervisors did not follow their Commission's recommendation, nor was any weight given to the fact that a petition was submitted, with over 10,000 signatures of opposition .

The body of this paper will factually illustrate why this project should be denied.

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IMPACTS THAT CANNOT BE MITIGATED: According to the DEIR/EIS, air quality effects of the project are considered significant, and cannot be avoided. For biological reasons, the loss of the Kaiser mine adit for bat roost habitat is considered significant, and the effects to the wilderness experience is considered a significant impact.

The cumulative impacts considered significant after mitigation are air quality (because the project is located in a nonattainment air basin) and groundwater overdraft, which will result in depletion of the Chuckwalla aquifer, according to the new DEIR/EIS.

AIR QUALITY: "Many of the emission and concentration based significant thresholds are exceeded by the proposed project with and without mitigation. As such, the proposed project would be expected to have a significant impact on ozone due to increases in hydrocarbon and NOX emissions.". The constituents that will have a significant impact are as follow:

1. NITROGEN DIOXIDE
2. CARBON MONOXIDE
3. SULFUR DIOXIDE
4. PARTICULATE SULFATES
5. FINE PARTICULATE

* Source:DEIR/EIS Technical Appendices Volume I, Tables 4-11 through 4-15

1 The risk assessment for the project states that risk from toxic air contaminants associated with the project is greater than a one in a million level which is typically assumed to represent a significant toxic impact. It is worth mentioning that the Eagle Mountain elementary school is virtually across the street from this proposal. Also, there are approximately 1,000 people who live in the Eagle Mountain townsite, including the inmate population at the Community Correctional Facility. The one in a million criteria is akin to a lottery - Will you be the unlucky parent, child, teacher, spouse, correctional officer, inmate, or resident to "draw" the *"DEATH TICKET"* ? Exposure to toxic air contaminants, that may result in serious illness and/or death is a risk that cannot be outweighed by perceived benefits of the project.

2 The proposed project at full operation with mitigation will create a slight discoloration in regional visibility within four miles of the project. The DEIR/EIS considers this insignificant because: 1) the sensitive observer would need to be in the area of Joshua Tree National Park where there are no existing trails or campsites; 2) the observer would have to be at this location for some part of 39 hours per year; and 3) the maximum visibility during these 39 hours would be less than 10%. These statement seem to ignore some fundamental issues: 1) The community will be within the four mile radius of this project well over 39 hours a year ; 2) the impacts to the Park are in the Class I wilderness airshed. The rationale in the EIR/EIS seems to be "if a tree falls in the forest, and nobody is around to hear it, does it make a noise?". What the polluters are saying about the Park's impacted wilderness area is, "nobody will see it, so it doesn't exist". Pure wilderness is hard to come by in this region, and every effort to preserve the wilderness must be made! Joshua Tree National Park have made extensive comments regarding this project and at this date remain opposed to it.

3 The overall assessment of significance of the project indicates that the project could result in lower emission levels in the South Coast Air Basin for all pollutants, at the expense of increased impacts in desert areas. The improvements in the South Coast Air Basin would pass through to the desert areas over the San Gorgonio Pass; however these benefits would not be sufficient to outweigh the direct adverse impacts in the desert.

BIOLOGICAL RESOURCES:

Response to Comment 20-1

There is no evidence to support the comment's conclusion there will be significant toxic air contaminant impacts. Please refer to Appendix E and Section 4.4.2 of the Draft EIS/EIR. The potential impact from toxic emissions is less than a maximum individual cancer risk of 10 in 1 million, which is the significance level for toxics in the SCAQMD's CEQA Handbook, (Section 6.2).

Response to Comment 20-2

The comment is noted. As mentioned by the commenter, the results of the visibility analysis in the Draft EIS/EIR (Appendix E, Part 6), which includes an analysis of the distribution of visibility impacts for several observation points for an entire year, showed that at full operation and under certain conditions, the proposed Project could create a slight discoloration in regional visibility within 4 miles of the Project. The Draft EIS/EIR recognizes that, for the proposed Project with mitigation, the maximum number of visibility impacts with a Delta-E of more than 2.0 (a level considered by NPS to be significant) was 39 hours per year for the worst-impacted observation point. This represents a total of only 0.45 percent of the total hours per year when visibility impacts will be perceptible. The Draft EIS/EIR identifies the potential visibility impacts and presents the results of a comprehensive analysis conducted using methodologies approved by the NPS and EPA.

Response to Comment 20-3

Refer to Response to Comment 1-95 and General Response 7.

Special-status plant species observed in the project area:

4 • ***FOXTAIL CACTUS:*** A federal Category 2 candidate and a California Native Plant Society ("CNPS") 1B species.
  *Category 2 = information is currently being collected to see if the species should be listed as threatened or endangered.
  *1B species = Plants rare, or endangered in California and elsewhere.

5 • ***CALIFORNIA BARREL CACTUS:*** A BLM Sensitive species observed within the dump's footprint, near access roads, and along the rail line.

6 • ***OROCOPIA SAGE:*** A federal Category 2 candidate and a CNPS List 1B, observed along the rail line.

Special-status Wildlife species occurring in the vicinity of the project:

7 a • ***DESERT PUPFISH:*** A federal and state listed endangered species. Observed approximately 1/4 mile south of the Eagle Mountain railroad trestle in a tributary of Salt Creek, and earlier surveys report the species is present throughout Salt Creek. Studies indicate that the best pupfish habitat in the area begins approximately 1 mile below the rail trestle and extends upstream to the headwaters of the tributary. Of particular interest is that this species could be wiped out with the planned construction/repair of the railroad. It is virtually impossible to relocate this species because each pool is minerally unique in composition - Personal conversation with National Park Service in Death Valley.

7 b

8 • ***COMMON CHUCKWALLA:*** A federal Category 2 species occurring at the project site and moderate occurrence along the rail line

9 • ***FLAT-TAILED HORNED LIZARD:*** This species has been proposed for federal listing as threatened and is a California Species of Special Concern. The species occurs in the vicinity of the rail line near Ferrum Junction.
  * California Species of Special Concern = When encountered, should be reported to the Department , and for which impacts may be considered significant under CEQA.

10a • ***DESERT TORTOISE:*** This species is federal and state listed as threatened. Tortoise have been observed north of I-10 in the Eagle Mountain study area, the Chuckwalla Bench north of the Chocolate Mountains, and on the railroad. The Eagle Mountain railroad and parts of Eagle Mountain road cut through the Chuckwalla Unit of Critical Habitat for desert tortoise. The impacts to this species is not only from train and truck traffic. Ravens historically are attracted to dumps, and ravens prey on juvenile tortoise. It is expected that predation on the desert tortoise will increase. (Personal conversation with Park ecologist). A recent report by Dr. Richard Knight of the University of Colorado describes the Park's Pinto Basin as the most pristine raven habitat in all of the Mojave desert. He regards Joshua Tree National Park as a unique habitat with unaltered raven densities. There are a number of mitigation measures to decrease the impacts to the desert tortoise, however the effectiveness of some of the mitigation strategies are unproven. For more information regarding mitigation and impacts to the desert tortoise see the comments made by Dr. Stebbins, Professor emeritus U.C. Berkeley.

10b

Response to Comments 20-4 through 20-31

The comment that impacts to wildlife are "moderate to extreme" is unsupported. Impacts on wildlife are discussed in detail in Section 4.7 of the Draft EIS/EIR. Impacts to biological resources, including all special-status species listed in Comments 20-4 to 20-30, were evaluated in Section 4.7 of the Draft EIS/EIR. Where impacts were found to be significant, mitigation measures sufficient to reduce those impacts to less than significant were developed. In many cases, the mitigation measures were developed in cooperation with the USFWS, the BLM, CDFG, NPS, and individual species experts. The exception to mitigating potential impacts to a level below significance is the potential adverse impacts to California leaf-nosed bat, which may lose roosting habitat if environmental conditions change in the Eagle Mountain adit as a result of the Project. After the distribution of the Draft EIS/EIR, wildlife biologist Dr. Patricia Brown and CDFG proposed mitigation that is different from what was developed for the Draft EIS/EIR. This mitigation eliminates extension of the Eagle Mountain adit entrance as mitigation because new evidence from other locations suggests that this procedure is unlikely to be successful. Instead, mitigation included in the Final EIS/EIR includes immediate opening of the Black Eagle adit, which is used by a limited number of bats. In the opinion of CDFG and Dr. Patricia Brown, the new mitigation could result in animals currently occupying the Eagle Mountain adit to colonize the Black Eagle adit, providing them with new habitat. The Black Eagle adit will be monitored. If bats abandon the Eagle Mountain adit and do not colonize the Black Eagle adit, a new adit will be excavated. Also see General Response 3 and 6, and comment responses 1-8 and 8-10.

See General Response 6 in response to the Comment regarding additional sources of nutrition.

With respect to the portion of this comment that addresses potential cumulative effects of the Eagle Mountain Landfill and Recycling Center Project and the ECEC hydroelectric project, the potential for cumulative impacts to biological resources is fully disclosed in Section 5 of the Draft EIS/EIR. Also see Response to Comment 24-1. Additionally, note that the ECEC project will need to undergo review through the NEPA/CEQA process prior to project implementation.

- ***NORTHERN HARRIER:*** A California Species of Special Concern. This species is considered to occur seasonally along the rail line, and may seasonally forage in habitat at the project site and along access roads
- ***SHARP-SHINNED HAWK:*** A California Species of Special Concern. Likely to migrate in the vicinity of the project in the fall and spring, and may winter in any part of the project area. The species may also seasonally forage in habitat at the project site and along the rail line.
- ***COOPER'S HAWK:*** A California Species of Special Concern. Most parts of the project area are within the year-round ranges, although the central part of the rail line passes through an area of winter-range only.
- ***GOLDEN EAGLE***: A California Species of Special Concern. None were identified during the surveys for the project, however the species is highly likely to occur in any portion of the project area.
- ***PEREGRINE FALCON:*** Is a federal and state listed endangered species with a low to moderate probability to occur at the project site, access roads, and rail line.
- ***CALIFORNIA BLACK RAIL:*** A federal Candidate 2 candidate and is state listed as threatened. Have been observed in the Salt Creek area north of the rail line, and do occur within one mile of the project area.
- ***YUMA CLAPPER RAIL:*** A federally listed endangered species and state listed threatened species, observed in the Salt Creek area north of the rail line.
- ***WESTERN BURROWING OWL:*** A federal Category 2 candidate species and a California Species of Special Concern, with a moderate likelihood of occurrence at the project site, access roads, and rail line.
- ***BLACK-TAILED GNATCATCHER:*** Considered a California Special Animal by CDFG, and observed near Kaiser & Eagle Mountain Roads and on the project site.
  - California Special Animal = an animal fully protected by the state.
- ***LECONTE'S THRASHER:*** A federal Category 2 candidate and California Species of Special Concern, observed near Kaiser & Eagle Mountain Roads and could nest in habitat at the project and along the rail line.
- ***LOGGERHEAD SHRIKE:*** A California Species of Special Concern that is expected to occur throughout the project area.
- ***YELLOW WARBLER:*** A California Species of Special Concern observed in the townsite and the Chuckwalla Bench Area of Critical Environmental Concern ("ACEC").
- ***YELLOW-BREASTED CHAT:*** A California Species of Special Concern observed in the townsite and expected to occupy habitats throughout the project area.

24
- ***CALIFORNIA LEAF-NOSED BAT:*** A federal Category 2 candidate and a California Species of Special Concern who uses the Kaiser Mine as a winter roost. There have been no other winter roosts located during air searches over the Orocopia, Chuckwalla and Coxcomb Mountains.

25
- ***TOWNSEND'S BIG-EARED BAT:*** A federal Category 2 candidate and a California Species of Special Concern. Maternity roost of this species was observed in the mine adit during 1990 surveys, however subsequent surveys did not identify this species, possibly indicating that the roost has been abandoned. If the species is present, it is likely to forage in nearby areas, including near access roads & rail line and areas closer to the mine.

26
- ***CALIFORNIA MASTIFF BAT:*** A Category 2 candidate and a California Species of Special Concern. None were identified in the 1990 survey, but suitable habitat is present, and the species is listed as one that could occur at the project site (Brown, 1990). The entire project area is within the range of the species.

27
- ***PALLID BAT:*** A California Species of Special Concern was captured in a mist net over a mine pit pond during the 1990 surveys, and guano was found in two adits west of the project site. The species is likely to forage in areas near access roads and rail line, and it is known to forage over pond water, which forms from standing water after a rainfall in the bottom of the east pit.

28
- ***AMERICAN BADGER:*** A California Species of Special Concern identified at the project site and near Kaiser Road. The species is highly likely to occur along the rail line.

29
- ***YUMA MOUNTAIN LION:*** A Category 2 candidate and California Species of Special Concern. The EIR/EIS states it's probability of occurrence is unknown. However in 1995 and 1996 mountain lions have been observed at the Eagle Mountain townsite, and several farms in the Desert Center/Eagle Mountain area.

30
- ***NELSON'S BIGHORN SHEEP:*** A California Special Animal observed at the project site, and several locations along the Eagle Mountain railroad.

31
Biodiversity is the concept that all components of ecological systems, both living and nonliving, are interconnected in a hierarchical continuum, and that changes in the diversity at any level in that hierarchy can have effects at other levels (CEQ, 1993). The Council on Environmental Quality ("CEQ" 1993), has identified several primary threats to biodiversity, including:

- Physical alteration of ecosystems from resource exploitation and changing land use including habitat destruction, degradation and fragmentation;
- Pollution, which can have direct lethal or sublethal effects, or can degrade habitat through such factors of eutrophication, acidification, or thermal pollution;
- Overharvesting of populations, which results in disruption of interconnections within and/or between species, thus affecting ecosystem function;

Response to Comment 20-31

The Draft EIS/EIR thoroughly addresses the potential effects of the proposed Project on groundwater quality in Section 4.1.2 (page 4.1-4), and concludes that leachate, landfill gas, potential releases from landfill support facilities and potential releases from the Townsite will not affect groundwater quality significantly or contaminate a public water supply. (See Response to Comment 19-4(a) and General Response 5.)

In addition, the Draft EIS/EIR thoroughly addresses the potential effects of Project pumping on groundwater availability in Section 4.1.3 (page 4.1-24). Specifically, the potential for groundwater depletion is examined in terms of declining water levels, overdraft, cessation of spring flow, and changes in water quality as a result of groundwater-level decline. Other potential impacts associated with groundwater use including interference with groundwater recharge, encouragement of activities that use large amounts of water, wasteful use of water, and ground-surface subsidence are examined and determined not to be significant.

- Introduction of exotic species, which can eliminate native species through predation, competition, or disease transmission, thus altering interconnections between species and changing ecosystem function; and

- Disruption of natural processes, which can occur when land management procedures change ecosystem dynamics through such practices as fire suppression or changes in water flow regimes. 31

To conclude the section on Biological Resources, it is clear that the impacts to wildlife will range from moderate to extreme. The proposed dump will bring in 20,000 tons of garbage a day for a century. This is garbage to us, but a source of food for animals. This process will inevitably create additional sources of nutrition for animals to exploit. In the desert where resources are scarce, even a small amount of enrichment is highly attractive to animals and is all that is required to alter wildlife behavior. (Personal conversation with Park ecologist). To compound the problems, there is a proposal to construct a hydroelectric pump-storage plant at the same site. This proposal will introduce a huge source of water that is currently scarce in the desert region. The DEIR/EIS dedicates a few brief paragraphs to the anticipated cumulative affects of both projects, and concludes that there will be no significant impacts with mitigation. However it does not take a rocket scientist to quickly realize the entire ecosystem in and around the project site, and Joshua Tree National Park, will be thrown out of kilter, should either of these projects go forward.

WATER QUALITY & QUANTITY: The DEIR/EIS concludes there will be no significant impacts with mitigation, however the document seems to underestimate the potential for groundwater contamination, and groundwater availability.

POTENTIAL FOR GROUNDWATER CONTAMINATION: The DEIR/EIS provides a detailed description of the groundwater protection measures, including a seven foot thick liner system and leachate collection system, and concludes there will be no significant impacts to groundwater with the installation of the protective system. However, there are a few flaws that need addressed.

The DEIR/EIS concludes that the plastic flexible membrane liner (FML) will maintain its integrity forever. U.S. EPA experts, Haxo & Haxo describe it differently. The experts stated: "...The polymers that were discussed and first-grade compounds based on these polymers should maintain their integrity in landfill environments for considerable lengths of time, probably in terms of 100's of years. Nevertheless, when these polymers or compounds are used in products such as FML's, drainage nets, geotextiles, and pipe, they are subject to mechanical stresses and chemical stresses which may cause deterioration of some important properties of these polymeric products in a shorter time.". In addition, the findings of the Haxo & Haxo committee listed areas of concern that may affect the life of components of liner systems and the functioning of the liner system. Those areas included: 32

1. "The combined mechanical and chemical stresses under which the liner system functions may cause cracking and breaking of the components due to environmental stress-cracking or possibly to mechanical fatigue under long service." and

Response to Comment 20-32

The available information supports the conclusion that the service life of these liners will be hundreds of years (see Appendix C-3, pages 6-11). The liner system design presented in the Draft EIS/EIR considers the potential effects of combined mechanical and chemical stresses on the HDPE geomembrane. The Draft EIS/EIR does not conclude that the geomembrane will "maintain its integrity forever;" rather, it states in Section 4.1.2.1 that studies have concluded that the service life of an HDPE geomembrane in a properly designed and constructed municipal solid waste landfill is expected to exceed the time period in which leachate and gas would be produced. The landfill has been designed to prevent the development of chemical and/or mechanical stresses that would adversely affect HDPE geomembranes. In fact, research and studies performed since the 1988 Haxo and Haxo report referenced by the commenter support the finding that the conditions found in municipal solid waste landfills do not adversely impact HDPE geomembranes. The full relevant citations from the Haxo and Haxo report is provided below:

"The basic conditions to which polymeric FMLs [flexible membrane liners or geomembranes] and other components of a liner system are exposed in both MSW [municipal solid waste] and hazardous waste landfills include comparatively low ambient temperatures, lack of light, moisture, aerobic and anaerobic atmospheres depending on the component of the liner system and the location within the fill, and low concentrations of dissolved constituents. Thus, polymeric materials placed in service in liner systems do not encounter the types of conditions that are normally considered to cause degradation of the base polymeric resins."

"The particular polymers used in the manufacture of products for the construction of landfill liner systems will not degrade in the environment they will encounter in landfills because of the lack of highly aggressive conditions that would cause degradation. These polymers include the polyethylenes, modified olefinic polymers, and some polyesters."

"The polymers that were discussed and first-grade compounds based on these polymers should maintain their integrity in landfill environments for considerable lengths of time, probably in terms of hundreds of years.

2. "Seams of FML's continue to be an area of concern, as none of these test methods truly assess the effects of long-term exposure in landfills." and

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3. "Clogging of drainage and detection systems continues to present a problem. The clogging can be by biological clogging due to growth or sedimentation or through precipitation of dissolved constituents."

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Further, Drexel Institute did a study on leachate collection systems and filters. The study concluded that a leachate collection system will eventually reach a terminal flow rate and all remediation efforts have little or no positive effect due to biological organism clogging, and mineralization.

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Nevertheless, when these polymers or compounds are used in products such as FMLs, drainage nets, geotextiles and pipe, they are subject to mechanical and combined mechanical and chemical stresses which may cause deterioration of some of the important properties of these polymeric products in shorter times."

Moreover, the landfill design does not rely solely on the integrity of the HDPE geomembrane to provide long-term protection of the groundwater. This integrity is just one factor that affects the long-term effectiveness of the landfill containment systems. Other major factors include the arid site conditions (which will result in negligible long-term leachate production), the design of the final cover system and its ability to be maintained, and the use of soil materials with negligible long-term degradation potential as a component of the composite liner systems. See also Response to Comment 21-13 and Appendix C-3 in the Draft EIS/EIR, and General Response 5.

Response to Comment 20-33

As stated in Comment 20-32, the liner system design presented in the Draft EIS/EIR considers the potential effects of combined mechanical and chemical stresses on the HDPE geomembrane. This consideration included geomembrane seams. Therefore, the above response addresses this comment. See also General Response 5.

Response to Comment 20-34

See Response to Comment 20-35.

Response to Comment 20-35

Appendix C-3 of the Draft EIS/EIR indicates that leachate collection and removal systems (LCRSs) of the type proposed have been shown to be very reliable when properly designed. The same research study mentioned by the commenter indicates that the potential for clogging of LCRSs in landfills depends on the amount and composition of leachate and on the details of the design of the leachate collection system. It appears that, for biological clogging to occur, the following two conditions need to exist: (1) inadequate design of the

36 The U.S. EPA commissioned a study on the action leakage rates for plastic liners when promulgating Subtitle D regulations, that was published by the American Society of Civil Engineers. The study concludes that the plastic liners will leak 21 gallons per acre per day, from the first day of installation, with the best quality control technology employed.

sand or geotextile filter; and/or (2) large rate of leachate production from the landfill.

The first condition is mitigated by properly designing the sand or geotextile filter. The design of sand or geotextile filters is a straightforward exercise and there is extensive information in the technical literature on geotextile filter design. The second condition for biological clogging of filter layers in landfills relates to the rate of leachate generation. The lower then leachate generation rate, the lower the potential for clogging (other factors being equal). As discussed in Section 4.1.2.1 of the Draft EIS/EIR, the potential for significant sustained leachate generation at the Eagle Mountain Landfill is very low.

Notwithstanding the lack of leachate generation, the LCRS has been conservatively designed to rapidly convey high flows of leachate to sumps. The LCRS has been designed to have a minimum base slope of 4 percent to promote efficient drainage. This slope is twice the minimum value typically used at landfills. The LCRS on the base of the landfill has also been designed with a minimum hydraulic conductivity of 1 cm/s, which is 10 to 100 times larger than the LCRS hydraulic conductivity typically required at landfills. The main LCRS drainage corridors will be constructed of permeable coarse gravel rather than pipes. In this application, gravel is being used to eliminate any questions over the structural stability of pipes under the large compressive loads imposed by the waste that will overlie the LCRS. The gravel drainage corridors will have an inherently low potential for clogging, given the large cross-sectional area of the corridor and the porous, permeable nature of the gravel. Another design detail intended to minimize the potential for clogging involves the placement of a protective cover soil layer and geotextile filter layer between the waste and LCRS. Lastly, the LCRS sumps have been designed so that they can be flushed to remove sediment and other matter, if ever necessary.

Response to Comment 20-36

The publication that the Comment is believed to be referring to (i.e., Bonaparte and Gross [1990]) (full reference given below), does not make the conclusion indicated in the comment. Rather, the publication concludes that, for the case of double-liner systems having a top liner composed of only a

The argument the applicants use against the failure of the above discussed system, is there will be no leachate generated at the site due to its location in an arid environment, and cite their expert from Wisconsin, Dr. Hamm. However, Dr. Hamm's calculations are nothing more than pure theory. The Administrative Record that was before the Superior Court regarding this project (where opponents were successful) quotes Dr. Hamm, "This is a remarkable experience for me. I've worked with many landfills throughout the Country and some elsewhere, and this is the first time I have had the opportunity of looking at a landfill in such an arid environment". In the same Administrative Record, the California Integrated Management Board concluded that more than 28,000 gallons of leachate would be generated daily. This conclusion does not take into consideration how much leachate could be generated in the event of rain storm activities. In a personal conversation with Mr. Robert Landreth, U.S. EPA, we learned that a thunderstorm occurring over the 10 acre open working face of the dump will result in direct infiltration. A 2.5 inch rain over a 90 minute time period will introduce 812,500 gallons of water, which becomes leachate upon contact with garbage.

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geomembrane and installed with third-party construction quality assurance program, the rate of leakage through the geomembrane top liner and into the leakage detection layer was typically less than 21 gallons per acre per day (200 liters/hectare/ day). Moreover, this leakage rate is not applicable to the Eagle Mountain landfill because the liner system design includes a composite liner and does not rely solely on a geomembrane to prevent leakage. The potential rate of leakage through properly constructed liners is on the order of 100 times less than through a geomembrane liner. Furthermore, the potential for leakage to occur only exists during periods of active leachate generation. As discussed elsewhere, the potential for significant, sustained leachate generation at the Project site is negligible. It is noted that the publication has been fully acknowledged and cited in Appendix C-3 of the Draft EIS/EIR.

Leakage potential will be further reduced by the installation of a second composite liner below the unsaturated zone monitoring layer. In addition, a third composite liner will be installed under the leachate collection and removal system sumps, which are the low points to which any leachate will flow.

(Bonaparte, R. and B. A. Gross "Field Behavior of Double-Lined Systems," *Proceedings of Symposium on Waste Containment Systems: Construction, Regulation, and Performance*, San Francisco, November 1990, published as ASCE Special Geotechnical Publication No. 26, pp. 52-83.) See also Response to Comment 20-37.

Response to Comment 20-37

The information in Section 4.1.2.1 of the Draft EIS/EIR regarding leachate generation and LCRS design is consistent with the information mentioned in the comment. With respect to the first component of the Comment regarding the potential for sustained leachate generation after landfill closure, the Draft EIS/EIR concludes that no sustained leachate generation is expected. This conclusion is based on calculations performed using the EPA's "HELP" computer model, as reported in Section 4.5.3 and Appendix A of the ROWD, and on the results of a separate study of leachate generation performed by Dr. Ham and included as Appendix C-5 of the Draft EIS/EIR. Even though no sustained leachate generation is expected, the LCRS has been designed assuming a sustained daily leachate generation rate of 13 gallons per acre.

So, we have a liner system that will leak, and a leachate collection system that will fail over time. The applicant's solution to pollution is to have monitoring wells spaced 500 to 1000 feet apart. Dr. G. Fred Lee & Associates, with extensive landfill background describes why the monitoring system is inadequate. Dr. Lee explains, in old unlined landfills, monitoring wells spaced 500 or so feet apart may detect contamination because when unlined dumps leak, it leaks in a fan-shaped plume. However in lined dumps, it is not possible to determine where the leak comes from, and leachate escapes in finger-shaped plumes. Monitoring wells have about a 2 foot capture zone, thus if the monitoring wells are spaced 500 feet apart, there is 496 feet in between these wells where a finger plume of pollution could travel, undetected. Dr. Lee's solution to this, is to install horizontal monitoring wells around the site, much as practiced in the oil fields, to detect and remediate pollutants from escaping into groundwater supplies.

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This assumed rate corresponds to 28,040 gallons per day (gal/day) when applied to the entire landfill footprint area of 2,164 acres. Therefore, the value of more than 28,000 gal/day attributed to the CIWMB is consistent with that used for the LCRS design.

The second component of the Comment relates to the potential for intermittent leachate generation during rain storms occurring during waste placement operations. Section 4.1.2.1 of the Draft EIS/EIR acknowledges that such intermittent leachate generation could occur and describes landfill operational practices that will minimize intermittent leachate generation. These practices include: (1) use of daily and intermediate cover soil layers to minimize infiltration; (2) limiting the working waste face (i.e., the area of waste not protected by cover soil) to a maximum of 2 acres; and (3) surface water controls that will prevent run on to the working waste face and ponding in areas with daily, intermediate, or final cover. The intermittent leachate quantity of 812,500 gallons attributed to EPA personnel is unrealistically large because it appears to have been calculated based on a working face of 10 acres, rather than the maximum value of 2 acres. The EPA Comment letter on this EIS/EIR (Comment Letter 3) does not raise this as an issue. Design calculations for the LCRS, presented in Appendix H of the ROWD, indicate that the LCRS system has adequate capacity during a 100-year, 24-hour storm event producing total precipitation of 3.7 inches. Furthermore, leachate generated by rainfall onto a working face is very dilute and occurs for only a short period of time (i.e., the time when it rains and a short period thereafter). This dilute leachate will be quickly removed from the landfill through normal operation of the leachate management.

See also the California Integrated Waste Management Board Letter (Letter 6), which indicates that all its issues have been resolved.

Response to Comment 20-38

See General Response 5. The groundwater monitoring system has been designed, based on extensive studies of hydrogeologic conditions and landfill design features, such that monitoring wells are located in the most likely flow paths for hypothetical leachate release in order to allow detection of a release at the earliest possible time. The system, including the secondary liner, is described in Section 4.1.2.1 and Appendix C-4 of the Draft EIS/EIR. In short,

39 The geology of the site also poses a problem for monitoring. The U.S. EPA discusses the fractures from the forty years of blasting/mining. The U.S. EPA stated, "A fracture dipping at 80 degrees is mapped in the initial phase as 'most likely to be impacted by a release from a waste management unit.' Therefore the fracture is intercepted by a monitoring well at the unit boundary. At a later phase, the boundary expands one mile laterally. In order to monitor the same fracture, a vertically oriented monitoring well would have to be drilled to 30,000 feet deep."

In conclusion, even though the groundwater protection system is seven feet thick, it is obvious that there are inherent problems as described above. If (when) leachate escapes from the dump, and if the monitoring wells detect it, the plan is to pump out the contaminated water, which will help lead to groundwater depletion, which will be discussed below.

a hypothetical leachate release would undergo significant hydraulic dispersion as it traveled through the saturated zone of the equivalent-porous-media fractured bedrock from the point where the leachate first contacts the groundwater table to the point of compliance. As a result of hydraulic dispersion, the zone of observation of a given monitoring well will include a wide spectrum of flow from up gradient beneath the landfill. Furthermore, Section 4.1.2.1 and Appendix C-4 of the Draft EIS/EIR present a discussion of how the ground-water monitoring wells have been located in the most likely flow paths for hypothetical leachate release. Specifically, wells are located along the landfill boundary in the path of groundwater flows from: (1) beneath each of the LCRS sumps; (2) beneath natural canyons within the landfill footprint; and (3) along the alignment of geologic faults. These monitoring well locations will allow detection, evaluation, and response to the hypothetical release prior to the occurrence of ground-water impacts. Additional discussion of this issue is presented in the Response to Comment 80-10.

Response to Comment 20-39

The referenced EPA letter contained comments on the previous EIS/EIR, which was completed without the benefit of the extensive studies performed to support the ROWD (GeoSyntec, 1992). The current Draft EIS/EIR addresses monitoring on page 4.1-11 through 4.1-13, and in Appendix C-3 and C-4. The current EPA Comment letter on this EIS/EIR (see Comment Letter 3) does not identify the potential for preferential pathways as an issue.

GROUNDWATER QUANTITY: It is quite interesting that in the last EIR for this project, one
a significant negative effect, after mitigation was stated to be, exacerbation of the overdraft situation in the Chuckwalla aquifer, to depletion of the water table. What this means in English, is, water is taken from the aquifer quicker than can be recharged, and the dump will use it all up. In the "new and improved" DEIR/EIS, this condition of overdraft no longer exists. This bold
b claim is unsubstantiated.

Mann conducted a study of the Chuckwalla aquifer, where he states that one water well
c level dropped 150 feet, in a five year period, and the aquifer is in an overdraft situation. This is an extremely serious problem, because once the water levels drop below a water well, the only avenue left is to drill a new well, which in most cases will be cost prohibitive. Coupled with the
d fact, the deeper the water level is in a well, the more it cost to pump. So, the farmers/residents in the area are faced with a horrendous problem.

The applicants hired a consultant to state in the DEIR/EIS that the overdraft no longer
e exist. However the data supplied to support the statement is sketchy, non-existent, and grossly underestimates the current water use in the Valley. For example, there are huge aquafarms
f currently operating, using the Chuckwalla aquifer. While the DEIR/EIS mentions some of the
40 aquafarms, not all were considered in terms of water usage. (Aquifarming uses an incredible amount of water, with most farms pumping 24 hours a day).

The DEIR/EIS states that 2 people consume 1 acre foot of water annually. An acre foot
g of water is approximately 325,000 gallons. The DEIR/EIS did not include, in their calculations, the Chuckwalla and Ironwood State prison, that houses 8,000 inmates with approximately 2,000 employees. The facility has a full kitchen, laundry, and farms. The prison obtains it's water from the Chuckwalla aquifer.

To support our conclusion that the aquifer is in overdraft, we cite the fact that the affected
h area has been in a drought situation for four or more years. Mentioned earlier, is the fact that this project includes a land exchange (about 3,500 acres), with the BLM. This now becomes a water rights issue. Water rights in California are much like the water rights in the eastern part of the U.S., unlike the rest of the western U.S. Simply, a person has the rights to the water underlying his/her property. For example, a person owning 10 acres of land, has the rights to the water
i underlying the 10 acres. What is not entered into the equation on water rights, is water rights on Federal Land. However, if the 3,500 acre land exchange is approved, the federal land will become private land and Kaiser will essentially have the water rights to the majority of water in the Chuckwalla aquifer. I sometimes wonder if we're dealing with the old Peabody Coal Company! Once Kaiser has title to the subject lands in the land exchange, they will have the legal rights to the water, and the farmers in the area can kiss their livelihoods good-bye, for Kaiser would not be required to furnish the residents/farmers with water. That is why the DEIR/EIS erroneously changed it's conclusion on overdraft. The DEIR/EIS does state the cumulative impacts on water quantity will be significant if the energy company's proposal is also permitted. The energy company proposes to fill the west pit with water for the hydroelectric pumped storage facility. According to the DEIR/EIS the energy company will pump water from the Chuckwalla aquifer, resulting in depletion of the aquifer in conjunction with the dump project.

Response to Comment 20-40

(a) The previous EIS/EIR concluded that the Project would exacerbate an existing condition of overdraft of the Chuckwalla Basin. This conclusion was based on water-use data from 1986, when groundwater withdrawals were relatively high (see Section 3.1.4.1, Table 3.1-3, and corresponding discussion on page 3.1-26 of the Draft EIS/EIR). Groundwater withdrawals from the Chuckwalla Basin, however, have declined since 1986 to a level that is less than the average annual combined recharge to the basin (see Draft EIS/EIR, Section 3.1.4.1, page 3.1-26). The conclusion that the Chuckwalla Basin was in overdraft at the time of the previous EIS/EIR (i.e., 1992) was incorrect. Although the previous EIS/EIR concluded incorrectly that the basin was in overdraft, the previous EIS/EIR neither stated nor implied that the proposed Project would consume all of the groundwater in the basin.

(b) The conclusion that the aquifer is not currently in overdraft is supported in Section 3.1.4.1 (page 3.1-28) of the Draft EIS/EIR. In this section, the value of total average annual recharge to the Chuckwalla Basin is summarized (from Section 3.1.1.2 (page 3.1-10) as approximately 12,200 ac-feet/yr. This value was developed in the previous EIS/EIR, was uncontested at that time and is conservative relative to subsequent estimates, which are as high as 20,000 ac-ft/yr (see Section 3.1.1.2). Current groundwater use (presented in Section 3.1.4.1 [page 3.1-26]) has been revised (see response to Commenter 195, Comment 16a), but is based on actual pumping data and conservative estimates of agricultural water use where data are unavailable. The use of these data is reasonable and substantiates the conclusion that the Chuckwalla aquifer is not in overdraft.

(c) The study by Mann, referenced in the Draft EIS/EIR, presents a hydrograph for the Gas Company well (see Response to Comment 15-14(d)), which indicates a water-level decline of 105 feet through 1986 (the most recent year for which data were available at the time of Mr. Mann's study). The water level subsequently dropped an additional 20 feet in 1986 after he had completed his report. Based on these data, Mann concluded that the aquifer was in overdraft at the time (1986). As shown in Table 3.1-3 of the Draft EIS/EIR and discussed in Section 3.1.4.1 (page 3.1-26), groundwater use declined significantly after 1986. Accordingly, the water level in the Gas Company well rose 68 feet between 1988 and 1993 (the last year in which

data are available) in response to the drop in pumping. This water-level rise is indicative of a condition in which groundwater recharge exceeds local pumping, and an aquifer that is not in overdraft.

(d) Groundwater-level decline relative to well specifications is a considered in one of the significance criteria for groundwater depletion in the Draft EIS/EIR (see Section 4.1.1.2 [page 4.1-2]). This significance criterion was demonstrated not to have been exceeded (see Section 4.1.3.1 [page 4.1-27]).

(e) The prime consultant for the Draft EIS/EIR was hired by the applicant to prepare an objective evaluation of the potential environmental impacts associated with the proposed Project. At no time did the applicant direct, instruct, require, or otherwise suggest that the prime consultant conclude that any potential impact be insignificant.

(f) The conclusion in the Draft EIS/EIR regarding the overdraft status of the basin is based on the available data on water use in the Chuckwalla Basin. In addition to field visits and a review of well information received from local residents, the estimates of water use were based on values reported by Mann (1986), James C. Hanson Consulting Engineers (1992), and Salmons (1994) (see Table 3.1-3). These studies based their estimates on specific research, including field inspection, into the acreage of land and the number of operation specifically engaged in agriculture or aqua (fish) farming in the Chuckwalla Valley. The resulting estimates are comprehensive and conservative, and take into account the entire range of water use including: commercial, domestic, agricultural, aquacultural, and landscape irrigation (i.e., Lake Tamarisk golf course).

(g) See Response to Comment 195-16(a).

(h) See Response to Comment 195-18(c).

(i) As stated in Section 2.1 (page 2-3) of the Draft EIS/EIR: "The portions of the Project site not owned in fee by Kaiser are owned by the United States Government and are administered by the BLM. These lands are proposed to be conveyed to Kaiser by the BLM as part of the BLM/Kaiser land exchange." The purpose of the land exchange, therefore, is to facilitate access and management of the land to operate the proposed Project. The selected lands

LAND EXCHANGE ISSUES: As mentioned above, the water rights issue will be an impact causing irreparable harm to the community residents. The land exchange also serves to illustrate

the preferential treatment given to the applicants. For example, Kaiser was given the land for mining and milling purposes under Private Law 790, (PL790) issued by Congress. PL790 / Congress was very clear in the language stating if certain conditions are triggered, the land reverts back to the U.S. PL 790 provides, in part, "Lands shall revert...in the event that said property is not used for a continuous period of seven years as a campsite or millsite or for other incidental purposes in connection with the mining operations of said corporation or its successors in interest." Kaiser ceased mining operations in 1982, when they went bankrupt. The DEIR/EIS concludes from the County of Riverside, that there are no longer any mining permits, and Kaiser will have to do more environmental evaluations before any permits are issued. Opponents brought up the point of the reverter during the appeals process before the IBLA. A former U.S. Attorney, Lawrence McHenry argued the case providing the facts, and law to substantiate the argument.

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The townsite/campsite reverted back to public ownership, under the provisions of PL 790. Kaiser is leasing a portion of the townsite to a privately operated correctional facility. This facility is actually on trespass on public lands, and Kaiser is fraudulently collecting lease payments from the facility. In legal briefs submitted to the IBLA, Mr. McHenry argues thusly, "Kaiser Steel Corporation's issuance of a surface lease for the operation of a correctional facility for compensation is not an 'act or operation incidental' to the purposes for which the land was patented, i.e. mining milling purposes... The correctional facility is inconsistent with and precludes Kaiser's mineral operations on and under the lands physically occupied by the facility". Mr. McHenry also states that the U.S. should recoup all illegal payments made to Kaiser for the unlawful use (trespass) of public lands.

To further illustrate the seemingly serving of preferential treatment to the applicants, I cite the appraisals done for the townsite that was conducted for the last EIR/EIS. The townsite is a 406 acre parcel, with homes, fire station, elementary school, roads, electric service, sewage ponds (that also are in trespass on public lands, contaminating water with coliform and nitrates), and a revenue generating correctional facility, The appraiser was instructed to appraise this town as though it were raw desert land. As a result, the BLM is poised to sell this town to Kaiser for a total of $108,000. There are single family homes that cost more than that in the Coachella Valley! The BLM is selling the public's land at firesale, bargain basement prices, and is nothing less than a taxpayer's rip-off.

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(lands to be transferred from the BLM to Kaiser) are not well suited for groundwater development. Kaiser, therefore, would not gain any additional access to groundwater resources through the land exchange. As stated on page 2-3 of the Draft EIS/EIR: "In the proposed exchange, the BLM would convey ownership of 3,481 acres of mostly disturbed mining lands to Kaiser..." These lands are shown in Figure 2-1 of the Draft EIS/EIR. This figure shows that the selected lands extend onto the floor of the Chuckwalla Valley less than 1 mile south of the southern extent of the tailings ponds and remain west of the Colorado River Aqueduct. This area, along with the other selected lands, is therefore not underlain by the Chuckwalla aquifer (i.e., the sediments above the bedrock are unsaturated), but rather the less productive bedrock aquifer. Groundwater conditions in the selected lands south of the Townsite are represented by piezometers P-9 and P-10 (see Figure 3.1-5 of the Draft EIS/EIR for piezometer locations). Lithologic and water-level data from these piezometers clearly indicate the absence of the Chuckwalla aquifer under the selected lands. The depth to bedrock at P-9 is approximately 260 feet and the depth to bedrock at P-10 is 180 feet. The depths to groundwater (in 1993) are approximately 430 and 530 feet in P-9 and P-10, respectively.

Response to Comment 20-41

The reversionary interest of the United States in the lands patented to Kaiser in 1955 under PL 790 is discussed in Section 2.1.1.3 of the Draft EIS/EIR ("Reversionary Interest in Townsite Area and Rights-of-Way"). The BLM has determined, based in part on the legal opinion of the Regional Solicitor of the United States Department of the Interior (Appendix O), that the reverter interest under PL 790 has not been triggered by the correctional facility lease or otherwise. Please see also General Response 4.

Response to Comment 20-42

As referenced in the Draft EIS/EIR (see, e.g., Section 2.1.1), the land exchange must be made in accordance with the requirements of the Federal Land Policy and Management Act of 1976 (as amended) and implementing regulations, and the appraisals that were previously performed on the exchange lands have been updated. See Appendix V.

Some people will argue that Kaiser will be giving the public lands that supply critical habitat for some of the species that may be impacted from the dump, in exchange for the subject public lands. A large portion of the land that Kaiser will give is along the railroad cutting through the Chuckwalla Bench Area of Critical Environmental Concern (ACEC), where the desert tortoise
43 lives. This will cause inbreeding to isolated populations of tortoise as some of the best remaining tortoise habitat will be fragmented by the rail line. Ignoring their own mandates, BLM is poised to sanction railroad construction in the heart of designated desert tortoise habitat. Taxpayer dollars spent to acquire this important habitat will be wasted.

Response to Comment 20-43

The location of the proposed construction of the rail spur (the only rail line construction associated with the Project) is within the lands proposed to be conveyed to Kaiser in the land exchange. The rail spur location, which is shown in Figure 2-6 of the Draft EIS/EIR is at the edge of the current mine site and comprises habitat that supports the lowest density of tortoises found in the vicinity of the Project according to BLM surveys, as shown in Figure J of Appendix G of the Draft EIS/EIR. The proposed rail spur is not included in areas designated as Critical Habitat for desert tortoise, as shown in Figure F of Appendix G of the Draft EIS/EIR.

The existing rail line does traverse areas that are included in Critical Habitat for desert tortoise. To address potential habitat fragmentation, loss of individuals from train collisions, and disturbance to tortoises from train traffic, multiple mitigation measures were included in the Biological Opinion and Draft EIS/EIR on pages 4.7-20 through 4.7-28 and on pages 5-5 through 5-11 of Technical Appendix G. Furthermore, the Draft EIS/EIR addresses the efficacy of these measures in mitigating impacts tortoise populations in the presentation of results of a study of the effectiveness of mitigation measures included in 234 Biological Opinions addressing take of desert tortoise. These results are discussed on pages 3-32 through 3-39 of Appendix G of the Draft EIS/EIR. Results indicate that for the projects covered by these Biological Opinions, tortoise mortality was only 5.4 percent of what was allowable by the USFWS in the Biological Opinions. Even if tortoise mortality had been 100 percent of that allowed by the USFWS, that level of mortality would not be considered by that agency to jeopardize the tortoise. Mitigation included in the Draft EIS/EIR for the Eagle Mountain Project includes measures that were found to be most effective in reducing tortoise mortality. Additional mitigation measures also are included in the Draft EIS/EIR for the Eagle Mountain Project to protect desert tortoise. Therefore, impacts to tortoises potentially occurring from reactivation of the existing rail line and from other aspects of the Project would be fully mitigated by measures included in the Draft EIS/EIR. Protecting additional land in the Chuckwalla Bench ACEC should increase rather than decrease genetic diversity of desert tortoises by Protecting a larger area of valuable desert tortoise habitat. Also see Responses to Comments 1-6, 6-4, and 26-19.

There is also the argument that a mitigation trust fund would be implemented to supply money to acquire land for habitat. This is commonly known as off-site mitigation, and does nothing to mitigate for the impacts to the area of the proposed dump. Remember there is a unique quality to the lands in and around Joshua Tree National Park, that must be preserved for the enjoyment and education of future generations. The policies that are being set are very dangerous, and lead to the creation of little islands of preservation, surrounded by defiled land. This is unacceptable. Further, there is currently money available in the federal government, specifically for the acquisition of critical habitat land, the Water and Conservation Fund.

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Allegedly the government is suppose to supply up to $900,000,000 (nine hundred million dollars) for this purpose, yearly. There is allegedly, $11 billion dollars in the Fund. Activists and conservationist would do well to lobby Congress to release money for important habitat instead of lobbying corporations for money in exchange for habitat destruction.

Response to Comment 20-44

Land acquired through the mitigation trust will be chosen to enhance habitat connectivity, and protect habitat that currently is not protected in an effort to protect ecosystem function in the vicinity of the Project. The area acquired through the Environmental Mitigation Trust will far exceed the approximately 1,038 acres of land disturbed over the 100-year life of the Project; thus, the value of that habitat for sensitive and more common plant and wildlife species far exceeds that lost in the project area. Other mitigation measures included in the Draft EIS/EIR address nonhabitat related impacts on the Project site to reduce those impacts to less than significant. Also see General Response 6.

COMMON ARGUMENTS IN SUPPORT OF THE DUMP: There are some misguided arguments that support the proposed dump, that I will attempt to clarify.

A common misconception is, "We should fill up that ugly hole in the ground instead of some pristine canyon, elsewhere." The fact is, trash would NOT be deposited into the east pit for
45 approximately 78 years, and all infilling would occur in previously undisturbed canyons surrounding the pit. This is why the land exchange is necessary. If the only land that was used for garbage disposal, for this proposal, was Kaiser owned lands, the dump would be about 289 acres, because according to the DEIR/EIS, that is all of the land that will be used in the east pit. This falls way short of "mine reclamation".

The next common argument in support of the dump is two-fold: "We have to put a dump somewhere, and existing dumps are leaking ". To address the argument of having to put a dump somewhere, I argue thusly. There are a myriad of alternatives to dumps that need to be explored and implemented. For example, the City of Palm Springs is in the process of permitting what is called the Bedminster Bioconversion plant. According to information that I have received, here is how it works:

1. Garbage is dumped at the Bedminster plant, a concrete lined facility. Garbage is weighed and the hauler is charged a fee.

2. The trash is dumped on a conveyor belt.

3. In the first of several screening, plant workers remove items that cannot be composted
46 - including tires, mattresses, and motor oil.

4. The solid waste and waste-water sludge are injected into large metal tubes called digesters and combined with nature microbes that speed composting. The muck is mixed for three days and temperatures reach 130-160 degrees. The mixing action rips open plastic bags, and magnets remove ferrous metals that are sold or recycled.

5. The resulting compost, which emerges as a black goo, is moved to concrete holding bays and is mixed by machines. Air is injected regularly to speed decomposition and keep odors down.

6. After a month of fermentation, the compost is sucked into large vacuums. Heavy materials, such as glass, stones, and aluminum, remain in the bottom and are recycled or sent to landfills. The compost is ready for sale.

If large scale composting works, dumps will become less burdened - and less costly. As mentioned, this is just one alternative. The Desert Protection Society, based in Palm Springs, have researched many alternatives to landfilling. If projects such as Eagle Mountain are permitted, the incentive to utilize alternatives will be greatly hampered.

The second part of the argument that landfills are leaking right now, may be addressed by my favorite alternative - Landfill Reclamation, or landfill mining. This technology has been in existence for several years, being implemented mostly on the East Coast. The basic concept is simple. Old and existing dumps are mined. The recyclables are removed for sale, and the
47 composted material set aside for future landfill cover. Up to 70% of the landfill space is recovered. That allows for the installation of environmental protection measures, and the space can then be resold. As stated earlier, all the environmental protections will eventually fail. But landfill mining, allows for future remediation/replacement of environmental protections. Unlike Eagle Mountain, once the trash is piled over 2,200 feet, it will be impossible to get to the environmental safeguards for remediation purposes. This technology can also lower cost of closure because the landfill footprint can be reduced in size, or completely eliminate closure cost by mining the entire landfill resulting in real property that may be used for say, a Sheriff sub-station, or whatever. The California Integrated Waste Management Board has conducted a feasibility study on landfill mining, and is encouraging pilot projects throughout the State. Further, landfill mining is considered in the Draft Riverside County Siting Element.

Response to Comment 20-45

The landfill will encompass an area that includes two canyons and an open pit disturbed by previous mining. The existing disturbance on the site consists not only of an open pit but also areas in the side canyons that contain mine spoil from the mining operation. Disposal operations will begin in the east pit about 29 years into the Project. The construction of all phases will utilize the mine spoil for subgrade and liner construction. See Section 2 of the Draft EIS/EIR.

Response to Comment 20-46

Alternatives to the Proposed Action were evaluated during preparation of the EIS/EIR. Section 2.8.2 addresses waste diversion alternatives that were considered but eliminated from further consideration. Composting, including the technology that the City of Palm Springs is considering, is one of the waste diversion techniques addressed in Section 2.8.2. Although composting is an emerging technology with successful applications for reducing the amount of waste landfilled, it does not eliminate the need for new landfill capacity. Even on a large scale, composting does not meet the objectives of the Proposed Action.

Response to Comment 20-47

The Draft EIS/EIR discusses landfill mining in detail as an alternative considered but eliminated from further consideration (Section 2.8.4, pages 2-72 to 2-76). The alternative was considered in response to comments raised during the scoping process for the Draft EIS/EIR. As presented in Section 2.8.4, landfill mining is implementable under certain, specific conditions that are "based on the types of waste mined, the regulatory setting, and the size of the operation." Landfill mining is not a feasible alternative to the proposed Project because landfill mining at a few sites in the County would not provide the long-term capacity shortfall anticipated for Southern California. In addition, the land area that is reclaimed through landfill mining will not automatically be reused for additional landfills. For example, landfills in urban or residential areas could be mined (i.e., waste removed and/or recycled) and the subsequent use of the reclaimed land will be determined on a local basis according to local planning laws, which may no longer sanction landfills as an acceptable land use in certain areas. This is

Moreover, dumps that are currently leaking will not magically stop polluting if Eagle Mountain is permitted. (One dump in the Coachella Valley slated for closure, has released a plume of contamination that is within 40ft. of a vineyard.). Waste represents a threat to the environment for as long as it is in the ground, which is indefinitely, unless landfill mining is implemented. There are arguments that say landfill mining doesn't work. However these are usually the arguments of the solid waste industry, who are in the business of making money dumping garbage in the ground - not removing it. The solutions to the industry's arguments have all been addressed, and any perceived or real problems can be dealt with in an environmentally sound manner. The cost for landfill mining is about $19 per ton, which is more competitive than the dumping of garbage.

supported by one of the identified disadvantages of landfill mining cited in the CIWMB report (CIWMB, Landfill Mining Feasibility Report, 1993, page 1-2) raised in this comment; that landfill mining "accelerates the need for new landfill space to dispose of residue." The objective of the CIWMB report was to "ascertain the feasibility of utilizing the technology of LFM in the State of California." This objective indicates that the technology is emerging and unproved. Further, CIWMB states that "[o]ne obstacle to the acceptance and development of landfill mining is the lack of data." CIWMB recommends demonstration projects, which supports the discussion in the Draft EIS/EIR that although landfill mining is a promising technology on a small scale, it is not at this time a viable alternative to meeting Southern California's need for landfill capacity.

a People argue that Riverside County needs the money from the tipping fees at Eagle Mountain, and over a thousand jobs would be created. These arguments are ludicrous. The last time Eagle Mountain was before us, MRC promised $20 million dollars or more a year to the County. The tipping fee proposed for Eagle Mountain at that time was $54 - $56 a ton. The proposal now is for $20 a ton. The economic analysis that MRC recently released, does not take into b consideration the money it will cost the County for impacts to roads, sheriff, fire etc. Also, when we were successful in Superior Court, MRC's partner, Browning-Ferris Industries (BFI), the 48 second largest waste hauler in the country, pulled out of the project. BFI was quoted saying that they backed out of the project because they did not feel they would obtain the profit from the project that they originally had anticipated. This was after BFI had spent $50 million dollars for the project. It seems BFI had the sense to stop throwing "good money" after "bad money". c Further, the Assembly Office of Research performed a study that concluded the financial projections for the project were a pig in a poke. Finally, with regard to finances, Joshua Tree attracts over one million visitors a year, and expect that to increase to 4 million a year in a short time. People going to the Park will stay in hotels in Riverside County, buy gas, camping gear, food, etc. from local merchants. If one million people spent only $100 each, it doesn't take a d math wizard to see the benefit to the County. If this dump is permitted, Joshua Tree will literally be trashed, thereby reducing the amount of visitors. After all, why would people take a vacation next to the World's Largest Dump, and put up with the resulting pollution. They can just stay at home and look at and smell pollution.

Response to Comment 20-48

(a) As noted in the referenced economic analysis (Husing, John E. 1996. *Eagle Mountain Landfill & Recycling Center, Economic Impact on Coachella Valley, Riverside County & Inland Empire*), the proposed Project is anticipated to have a beneficial effect on employment within the Coachella Valley. From 1998 to 2017, this analysis concludes that the proposed Project would support an average of 1,273 full time jobs; an average of 245 employees directly associated with the landfill facility, 837 indirectly supported through related spending, and an average of 191 jobs saved. The economic analysis further estimates an influx of revenues to Riverside County of approximately $264 million in taxes and fees over a 20-year period, averaging approximately $13.2 million per year. In addition, a net $3.3 billion positive economic impact is projected for the Inland Empire during this 20-year period, with $3 billion in projected new economic activity, and approximately $300 million in preservation of economic activity.

As noted in Section 4.2 of the Draft EIS/EIR (Public Health and Safety), there are no substantial Project-induced costs associated with ensuring public health and safety that would adversely affect revenue sources of local government(s). Existing public utilities (water, sewer, electricity, and natural gas) and services (police, fire, and medical) appear adequate to meet increased demands that are foreseen to arise due to the proposed Project (Draft EIS/EIR Section 4.12, Utilities and Services). It is noted that, as a result of a federal grant, two additional law enforcement offices have been made available to the Eagle Mountain/Desert Center area. Funding for these staff positions will expire by 1999. Even with the reduction in staffing as a result of the loss of grant monies, the existing law enforcement presence is determined in the Draft EIS/EIR to be adequate. With regard to cost impacts to the County, a portion of taxes and fees would be expected to be allocated toward infrastructure costs born by the County.

(b) Please see page 2.3, Section 2.1 of the Draft EIS/EIR concerning BFI's withdrawal from the Project.

(c) The study referenced in the comment was not based on accurate information. The Draft EIS/EIR adequately addresses this issue in Chapter 1.

a MRC says that over 1,000 jobs would be created as a result of the dump. This is pure unadulterated hogwash. First of all, only 150 jobs, at most will be at the dump. MRC already has contracts with the local prison to use inmate labor. Of course the inmates would not operate heavy machinery (that's my assumption, but who knows?) but would be laborers picking up trash and other menial jobs.

49
b

The Building and Construction Trades Council of San Bernardino and Riverside Counties, AFL-CIO, state in their letter of opposition, "...As one of our primary functions we have always been in favor of projects that would create jobs, however, never have we advocated the creation of jobs at any expense...This council and it's more than thirty seven affiliated trade unions, with a combined membership of more than thirty five thousand people would like to go on record opposing the proposal...". Additionally, the State Building and Construction Trades Council of California, AFL-CIO, wrote in their letter, "...The State Building and Construction Trades Council is primarily interested in creating jobs for individual members, however we must go on record as being in opposition to the Eagle Mountain Landfill project. The few jobs created by this endeavor is outweighed by the enormous risks facing future generations of working Californians...".

c

(d) It is agreed that JTNP provides a significant economic benefit to Riverside County. The Draft EIS/EIR analysis concluded that there would be no significant impacts to JTNP resources. The commenter is referred to specific, detailed responses to comments pertaining to such issues as wilderness, visual resources, windblown debris, noise, and odor contained within the Final EIS/ EIR. See General Response 3 and 6 and Volume I of the Final EIS/EIR.

Response to Comment 20-49

(a) As discussed in the Draft EIS/EIR (Section 4.8.2), the Project would generate jobs for 150 temporary workers to construct the landfill and 12 workers to renovate the Townsite. Approximately 250 jobs would be generated for permanent workers to operate the landfill. In addition to these direct impacts, indirect impacts, known as "multiplier effects," would result in additional job creation in areas outside of the landfill and the Townsite. Using information from the County on economic output and information from the U.S. Department of Commerce, Bureau of Economic Analysis, a multiplier for employment of 1.8 was estimated for Riverside County. This means that for every job directly created as a result of the Project, an additional 0.8 additional jobs would be created elsewhere in the County, resulting in an additional 200 jobs in Riverside County.

(b) MRC has no contracts with the MTC community correctional facility to employ prison labor for the landfill Project. Currently, some prisoners are employed for minor grounds maintenance by Kaiser in the Townsite and as cleaning staff for the administrative office at the mine site.

(c) No comments on the Draft EIS/EIR were received from the AFL-CIO. Because the statements that the commenter attributes to another party are not provided by the party to whom the quotes are attributed, there is no response to this comment.

a

50[b]

Some people argue that there is a landfill capacity shortage. This is an untrue statement, in fact, there is currently a landfill space glut, due to recycling and the current economy. Currently in Riverside County without the benefit of a lavish PR program, there is a 43% County-wide diversion of garbage going to landfills. Further, in the Siting Element currently being prepared for the County, we have 14 plus years capacity. Couple this with the fact that current permitting of expansions will yield more than 100 years capacity in Riverside County, without the permitting of Eagle Mountain. Now factor in waste diversion, as well as alternatives, as mentioned above, and the County's capacity could be unlimited. This scenario holds true for all Counties in the State of California.

Response to Comment 20-50

(a) See General Response 1. As noted in Section 1.3.1, Project Purpose and Need, of the Draft EIS/EIR, most areas in the seven-county Region, with some exceptions, generally have sufficient available disposal capacity to meet their own needs in the short term (until approximately 2000). The primary purpose of the proposed Project, however, is to develop a new Class III landfill to meet the long-term disposal requirements of the seven counties comprising the Southern California region (from the present to approximately the year 2050). This projected long-term need is documented in several recent studies, which have been referenced in the Draft EIS/EIR.

(b) The commenter is correct in stating that the County of Riverside is presently diverting approximately 43 percent of its waste stream, and that the Siting Element referenced does indicate that the County has at least 14 years of capacity available. The Final Draft Countywide Integrated Waste Management Plan (September 1996) also indicates Riverside County may not need additional disposal capacity until 2009. A shortage of capacity, however, could occur before this date due to the limits on daily permitted disposal at some of the landfills within the County. In addition, although the County does have adequate overall permitted disposal capacity to meet its short-term needs, there is a geographical disparity in landfill capacity (i.e. adequate capacity in western Riverside County and inadequate capacity in eastern Riverside County). In the eastern portion of the County, a shortfall in disposal capacity could occur as early as the year 2002, if no new permits are granted to expand existing landfills. As regionalization of landfill capacity occurs, geographical disparity might be minimized. Proposed expansions that would provide additional capacity include expansions at Badlands, Lamb Canyon, Edom Hill and El Sobrante Landfills. If all landfills are expanded, the County would have adequate capacity to meet its own disposal needs to approximately the year 2035. Once again, however, this would not address the projected long-term disposal needs of the Southern California region.

FINANCIAL STABILITY OF THE APPLICANTS: The financial stability of Kaiser and MRC is very questionable. According to financial statements filed with the Securities and Exchange Commission, it appears that Kaiser is on the verge of bankruptcy - again. In January 1995, Kaiser excused MRC from their lease payments totaling, at that time, $200,000 a month, in exchange for 70% ownership in MRC. No money exchange hands for the 70% ownership. What
51 is interesting is in December of 1995, the lease payments to MRC was to increase to $300,000 per month. In the financial documents filed, it is clear that Kaiser is liquidating all of their assets. For example, Kaiser now owns only 12% of the California Speedway, a partnership with Penske, to build a raceway at the defunct steel mill in Fontana. It appears, that any money that Kaiser does make goes to the Corporate executives and to lawsuits, which seem to continually mire the company. Of course, MRC is merely a shell corporation with no assets at all, according to Dunn and Bradstreet financial assessments.

So, you might say, if they don't have any money, how can they build this dump, operate it, and provide the mitigation/monitoring and environmental guarantees? The answer is simple, but not commonly known. Kaiser has applied for, and obtained approval for a loan from the California Pollution Control Financing Authority, to the tune of $200,000,000 (that's two hundred million dollars) in tax free, low interest revenue bonds to construct and operate the dump. What this basically means is, the taxpayer will be saddled with the cost of construction and
52 operation of the dump, as well as saddled with the cost to clean it up once it pollutes and they walk away from it. The applicants will argue that the pollution control money is not taxpayers money. I argue that this dump will become the next Superfund Site in Riverside County, and the polluters will move on, without repaying the California Pollution Control Financing Authority through the protection of bankruptcy. The State cannot afford to default on loans, risking it's credit rating with the federal government, therefore, the State's citizens will pick up Kaiser and MRC's tab. This has happened many times in local governments who "float bonds", and it is not unrealistic to expect it to happen here.

Response to Comment 20-51

Kaiser Ventures is a publicly held company. According to the latest financial information from Kaiser, the following is known:

- Kaiser has $75.6 million in net worth and $5.2 million in debt. This equates to a debt-to-equity ratio of 0.07 to 1.0.
- Kaiser has $36.4 million in common stock of Penske Motorsports, Inc. a publicly traded stock on the NASDAQ exchange (1,373,625 shares at $26.25/share).
- Kaiser has $6.9 million in cash
- Kaiser has $6.9 million in reserves

Kaiser contributed 475 acres of land valued at $22.5 million needed for the California Speedway in Fontana in exchange for 1,373,625 shares of Penske Motorsports, Inc. common stock. Those shares are currently worth $36.4 million.

In 1995, Kaiser exchanged its minimum rent payments from MRC for a 70-percent equity interest in MRC. Since acquiring this interest, Kaiser has invested an additional $4.0 million in MRC. In the 6 months that ended in June 1996, Kaiser generated $4.2 million in net cash flow.

Response to Comment 20-52

See Response to Comment 16-56 and 20-51. If the Project is sold, it will be financed by the entity that buys the Project. The draft Development Agreement between the County and MRC and Kaiser requires successors in interest to be legally bound by the same requirements.

Another issue of financing involves the retirees who Kaiser cheated out of their benefits. In the past, Kaiser has bussed these folks to hearings to testify how they need the dump to get back their benefits. This is nothing more than emotional blackmail. I will be the first to say that these folks most definitely earned and deserve their benefits. However, on the list of recipients to receive any money from this dump, the retirees are the last. If Kaiser was so concerned about their retirees, why did they forgive the lease payments to MRC? MRC made lease payments from 1989 to 1995 - none of that money went to retirees. Further, if the retiree passes away before the benefits come through (if the benefits come through), the benefits are not transferable to the surviving spouse. In fact, the surviving spouse would receive only $4,000 maximum payment.

53

Recently Kaiser put on a dog and pony show to promote the raceway and the dump. There was a "free" dinner for those who attended. However, when it was time to get the meal ticket, Kaiser made the people sign a letter to Senator Feinstein, and others, stating their support for the dump, and asking for the National Park Service to stay out of the issue of the dump. If a person did not sign the letter, they would not get their meal ticket. This is just an illustration of the desperate tactics they will use to get this dump approved.

MRC'S C.E.O. PAST RECORD: MRC's CEO is a man named Rick Daniels, who was employed by Waste Management, Inc., prior to MRC, and was named in an investigation conducted by San Diego District Attorney Edwin Miller. Mr. Miller investigated Waste Management, Inc. at the behest of the San Diego Board of Supervisors, prior to entering into any agreements for approval of a private dump application, known as Gregory Canyon . Rick Daniels was the head of special projects in San Diego, at the time. The D.A.'s conclusions, state, in part, "...the company presents a combination of environmental and anti-trust violations and public corruption cases which must be viewed with considerable concern...".

Part of the investigation includes the public relations campaign in San Diego. Rick Daniels provided some $34,678 to a "non-biased" think tank, known as the Reasons Foundation, for a favorable report on privatizing landfills. He advised his company to fund such a project by funneling the $34,000 + through the San Diego Taxpayers Association. Lynn Scarlett, of the Reasons Foundation released a report supporting privatization, never mentioning that Waste Management funded the report. The use/manipulation of the media in this way is solely to gain public approval and to bring pressure against public officials. What is very interesting is that Rick Daniels brought this very same "non-biased" person, Lynne Scarlett, to the Coachella Valley to be a speaker at a conference. Lynn said things like recycling does not work, and touted the Eagle Mountain dump as a solution to the waste problems. In fact, MRC even included a paper written by Lynne Scarlett in the packet of information MRC would provide the public when touring the Eagle Mountain site.

54

The other incident reported by the D.A. amounts to what could be construed as a bribe to San Diego Supervisor Brian Brilbray. Rick provided a check in the amount of $50,000 to a non-profit organization known as Sail San Diego. San Diego Supervisor Bilbray was the president of Sail San Diego, that was in serious financial trouble, and is clear, that without the infusion of $50,000 would probably become insolvent. The D.A. characterized this type of activity as "having the appearance of altruistic or beneficent ends, to charitable entities or projects which are targeted for the greatest impact on persons exercising crucial approval authority over business projects which are either proposed, pending, or under review." These practices suggest an unseemly effort by Rick to manipulate local government for his own business ends. If unchecked, these practices, may have a corrupting impact on local government and lead to decisions unsuitable to the best interest of the public. It is clear from this report that Rick Daniels will

Response to Comment 20-53

Comment acknowledged. The Project applicant states that it disagrees with the events as stated here.

Response to Comment 20-54

The Project applicant has stated that the allegations made in the Comment have been examined by the San Diego District Attorney during their investigation. Mr. Daniels, President and CEO of MRC, was employed prior to that time by Waste Management, Inc. In 1991, the San Diego County Board of Supervisors asked the District Attorney's office to do a background check on Waste Management, Inc., which was then proposing a solid waste landfill in the County. The District Attorney's office issued a report that did not result in any finding of wrongdoing or fines. Waste Management did not file court actions alleging damage to the company's reputation. These court proceedings are ongoing. Mr. Daniels was not the focus of the report nor is he a party in the legal action.

engage in practices designed to gain undue influence over government officials and the media. Opponents to Eagle Mountain have requested the Riverside County Board of Supervisors to direct our D.A. to investigate MRC and Kaiser, prior to entering into any agreements with these companies. We have witnessed Rick employing tactics, that the San Diego D.A. describes as practices commonly used by the Mafia, right here in Riverside County.

Shortly after the report was released, Waste Management filed a lawsuit against Mr. Miller. The lower Court threw the case out, and Waste Management took to case to the Appeals Court. In April 1996, the appeals court upheld the lower court's ruling, stating that the company's reputation is not a property right protected by the Constitution. The court went on to say, "Miller issued a report in April 1992 which concluded the company was connected to the Mafia."

Riverside County should proceed very cautiously with this proposed project. Would you want to enter into a long term contract with a person with such a reputation, as described above ? I would not.

In closing, this position paper describes just a few areas that need careful consideration. I never even touched on the fact that once again, comments from the public have been ignored, and the DEIR/EIS seems to be inadequate in terms of providing scientific discussion to support many conclusions that have been made, and many other issues. It is very important to remember, that MRC pays the consultant to produce a document that serves only to support the project. This project is not for the benefit of the public or the environment, but only to fatten the pocketbook of the developers. Approval of a dump with a life expectancy of 100 or more years is not the solution to solid waste management, but the creation of yet a larger problem. I humbly ask that you join me, and the thousands of Riverside County residents in opposing the proposed Eagle Mountain dump.

Respectfully Submitted,

Donna Charpied

Donna Charpied
Eagle Mountain Coordinator, San Gorgonio Chapter Sierra Club

COMMENT LETTER 21

Sierra Club
San Gorgonio Chapter

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SEPTEMBER 17, 1996

MS. JOAN OXENDINE, BLM
CALIFORNIA DESERT DISTRICT
6221 BOX SPRINGS BLVD
RIVERSIDE CA 92507

MR. DAVID MARES
COUNTY OF RIVERSIDE
4080 LEMON STREET
9TH FLOOR
RIVERSIDE CA 92501

RE: COMMENTS TO DEIS/EIR FOR THE PROPOSED EAGLE MOUNTAIN LANDFILL

We thank you for providing this opportunity for us to comment on the DEIS/EIR, for the proposed Eagle Mountain Landfill. The formal position taken by the Sierra Club opposing the Eagle Mountain landfill was taken first by resolution of the San Gorgonio Chapter in 1991, representing over 6,000 members in Riverside and San Bernardino Counties, and again shortly thereafter by the Southern California Nevada Regional Conservation Committee. There has been no change in the Sierra's Club position, we are opposed to the project. On July 9, 1996 and July 23, 1996, the San Gorgonio Chapter's Conservation Committee and Executive Committee, respectively, adopted the following resolution:

1 "THE SAN GORGONIO CHAPTER OF THE SIERRA CLUB OPPOSES THE PROPOSED EAGLE MOUNTAIN LANDFILL AND RECYCLING CENTER BECAUSE THE PROPOSED PROJECT POSES SIGNIFICANT THREATS TO REGIONAL RESOURCES AND IS AN INAPPROPRIATE LAND USE ADJACENT TO ONE OF THE WORLD'S MOST PRISTINE DESERT ECOSYSTEMS."

We submitted comments/questions during the scoping sessions, dated June 20, 1995. Unfortunately, some of our comments/questions remain unanswered, therefore, we shall restate said comments/questions.

2 There must be full disclosure of the environmental impacts from this enormous project. As the court determined, the air quality impacts, water impacts, and impacts to wildlife have not been fully disclosed, studied, nor provided to the public. There have been new biological surveys conducted, and the addition of

3 Critical Habitat, that warrants the re-initiation of the Section 7 Consultation Biological Opinion from the US Fish & Wildlife Service. Further, millions of taxpayer dollars have been spent to protect the Chuckwalla Bench Area of Critical Environmental Concern, (ACEC), for the threatened desert tortoise. The twelve

4 proposed daily deliveries of trash by train is not consistent with the California Desert Conservation Area Plan, would fragment the fragile tortoise and wildlife sanctuary and would add noise to noise and air pollution

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Response to Comment 21-1

Comment acknowledged.

Response to Comment 21-2

The three-volume Draft EIS/EIR, comprising a 900-page main document and 13 supporting technical appendices, presents and discloses a thorough and complete evaluation of environmental impacts likely to be associated with implementation of the proposed Project, as required under CEQA and NEPA. The court determination to which the comment refers was for the previous 1992 EIS/EIR, as discussed and documented in Section 1.2 of the present EIS/EIR.

Response to Comment 21-3

See General Response 6.

All available information and data pertinent to biological resources at or near the proposed Project site have been considered during conduct of the biological impact assessment documented in Section 4.7 of the Draft EIS/EIR, including the 1996 biological survey (see Appendix G of the Draft EIS/EIR). See General Response 6.

Consultation under Section 7 of the ESA was completed in 1992 for the proposed land exchange and landfill. With respect to responsibility under ESA, the BLM has received a letter of concurrence from the USFWS that there is no need to reinitiate consultation relative to Section 7. See Response to Comment 1-107.

The importance of the Chuckwalla Bench ACEC is acknowledge and it is noted that positive benefits associated with the proposed Project's Environmental Mitigation Trust fund will aid in protecting this resource area.

Response to Comment 21-4

At full operation, it is expected that an average of 5 trains per day will transport waste to the Project. As described in Section 3.5 of the EIS/EIR, federal lands in the area of the existing rail line are classified as Class L. Item Number 14 in Table 1 of the California Desert Conservation Area Plan (CDCAP) (see EIS/EIR

Appendix item B-2) states that "Railroads and trams may be allowed to serve authorized uses if no other viable alternative is possible." With respect to alternatives, please refer to General Response 2. In addition, as reflected in the CDCAP, the majority of the railroad line is within private or other non-BLM controlled land and does not fall within the BLM CDCAP policy. With regard to potential impacts of the railroad on the desert tortoise, air quality and noise impacts, these issues are fully discussed in the Draft EIS/EIR Sections 4.7, 4.4, and 4.13, respectively.

5 levels. The train traffic would also cause impacts to the Desert pupfish, which must be truly disclosed, and discussed.

6 It does not seem appropriate to analyze noise impacts by using models in urban areas. There is constant background noise in urban areas. The area for the proposed landfill is unique because it is surrounded by wilderness areas, in a rather quiet rural community, where. sound "carries" great distances. We suggest that noise modeling include the levels of noise currently in the project area, then analyze the data including the additional noise levels from the project. How will the noise affect the wildlife in nearby wilderness areas and Joshua Tree National Park? What affects will the noise from trains, trucks, and landfill operations have on the townsite of Eagle Mountain; including the inmates, who live next to the train tracks, the children in the elementary school, and the residents of Eagle Mountain/Desert Center? We reiterate the modeling for such information should be based upon a rural setting as opposed to an urban one.

7 The project's economic value has been considerable reduced due to the changing economic climate. What would be the cost to the consumer to have their garbage taken to Eagle Mountain, compared to utilizing Riverside County District landfills, including transportation? For example, in the Coachella Valley, if certain District landfills are closed, the cost of rail-hauling to a super-regional landfill may be competitive with the cost of transferring waste to the District's Badlands landfill in Western Riverside County. However, since the Coachella valley only disposed of 1,300 tons per day in 1994, it would be unable to fill a "unit train" of approximately 3,000 to 3,500 tons per day. Therefore, to haul at minimum cost, the Coachella Valley would likely need to load onto an existing, partially loaded train that was in transit from another location, and it is unknown whether such an arrangement would be available. (SOURCE: Countywide Local Task Force May 1995). If the Coachella Valley decided to utilize Eagle Mountain for its solid waste, what will be the impacts of opening a train half full of decomposing garbage, to fill it with Coachella Valley garbage? It seems that Eagle Mountain will be a disincentive to the successful diversion program existing in Riverside County, today. On a region-wide basis, the County has achieved a 40% diversion rate for 1994. (During 1994, the jurisdictions within the Coachella Valley achieved 41% diversion). If Eagle Mountain comes to fruition, what will prevent the Coachella Valley from discarding recyclables in order to fill a "unit train" ?

Response to Comment 21-5

The Draft EIS/EIR discusses the potential for impacts to the desert pupfish associated with rail accidents and construction and identifies mitigation measures (pages 4.7-3 and 4.7-4 and 4.7-16 through 4.7-19). With these mitigation measures in place, significant impacts to the desert pupfish are not anticipated, as was confirmed by the Biological Opinions prepared by the USFWS (USFWS, 1992, 1993).

Response to Comment 21-6

As discussed in the Draft EIS/EIR Section 4.13.1, NEPA and CEQA do not provide significance standards for noise impacts, and there are no applicable noise level standards for wilderness areas of national parks. Consequently, a two-step process was used to develop standards of significance for evaluating potential Project-related noise impacts. For residential impacts, guidelines contained in the County of Riverside Noise Element of the General Plan were followed. These guidelines are based on Community Noise Equivalent Levels (CNEL).

For wilderness areas, a standard of significance was developed on the basis of experience and professional judgment. The standard of significance selected for assessing wilderness impacts takes into account average hourly noise increases above existing conditions in wilderness areas. Project-related noise impacts were considered significant if they resulted in an average hourly increase of more than 3 dBA above existing conditions. This criterion was selected because a change of 3 dBA or less in noise levels is not perceptible to humans. Also see General Response 3.

Response to Comment 21-7

The cost to consumers of disposing solid waste at landfills will depend upon supply and demand, transportation costs, and length of contract. Appendix B-4 in the Draft EIS/EIR contains a summary of bids received by the Coachella Valley Association of Governments in 1996. The bids ranged from $14.75 to $36.53 per ton. The quoted disposal rate for the Eagle Mountain Landfill was $18.05 to $22.25 per ton. The quoted disposal rate for disposal at Riverside County-owned landfills was $24.50 to $28.27 per ton.

8 | The FEIS/EIR must explore the full range of impacts of developing and repopulating Eagle Mountain. Air quality will be affected. Construction and renovation of buildings will raise dust, contributing to visibility impairment and health issues. The existing houses at the townsite were built for Kaiser mine employees many years ago. Asbestos was commonly used in the floor tiles, roofs, etc. What measures will be taken not to expose the nearby community residents to air borne asbestos when renovating the houses/buildings ? We requested that this be addressed in our scoping comments, please address in FEIS/EIR.

9 |

If waste generated from the Coachella Valley were disposed at Eagle Mountain, it would be transported to the site by either transfer trailer or by adding additional rail cars containing containers of waste to a train coming through the Coachella Valley from the west. The containers on the train would not need to be "opened" as stated in the comment. This would occur at an MRF or rail yard in the Coachella Valley. Since the Draft EIS/EIR was published, planning work has begun for MRFs/TSs at two additional locations in the Coachella Valley, one in Indio adjacent to the Southern Pacific rail line, and one in Coachella at the County's existing Coachella landfill. Either could ship waste to the Eagle Mountain site.

The Eagle Mountain Landfill would accept waste only for jurisdictions that are in compliance with the state-mandated recycling requirements, therefore; it would be an incentive, rather than a disincentive for jurisdictions to dispose of waste at the Eagle Mountain Landfill site.

Response to Comment 21-8

A detailed analysis of the emissions associated with developing and repopulating the town of Eagle Mountain is included in the Draft EIS/EIR (Appendix E, Attachments A and B, pages A-11-2 to A-11-4 and B-16). These emission levels were included in the detailed dispersion modeling, visibility analysis, and screening-level health risk assessment included in the Draft EIS/EIR (Appendix E, Part 6 and Attachments C and D). Detailed emission calculations for the initial construction of the Eagle Mountain town are also included in the Draft EIS/EIR (Appendix E, Attachment B).

Response to Comment 21-9

Asbestos is addressed in Section 4.2.2.2, page 4.2-9 of the Draft EIS/EIR. All precautions required by the South Coast Air Quality Management District's (SCAQMD) Rule 1403 (Asbestos Emissions from Demolition/Renovation Activities) and the Environmental Protection Agency's National Emission Standards For Hazardous Air Pollutants (NESHAPs) for asbestos (40 CFR Part 61, Subpart M) will be followed to prevent airborne asbestos exposure to nearby residents. The EIS/EIR requires that a plan be prepared specifically to manage asbestos removal.

Water supply and water quality are significant issues. The development and repopulation of the townsite will add to groundwater overdraft, (that has been minimized in the DEIS/EIR). There may be a need for the
10 transporting of water to local farmers, residents, and businesses. Water treatment would be necessary, including a sewage treatment plant, and their resultant impacts. The current sewage facility is nothing more
11 that settling ponds (some on public land), and in need of up-grading. The costs and impacts of developing

waste water treatment systems, water supplies, and sanitary facilities for the town must be disclosed to the public.

Response to Comment 21-10

As discussed in EIS/EIR Section 4.1.3, Groundwater Use, there does not appear to be a significant potential to deplete groundwater levels as a result of implementing the proposed Project. Consequently, there would be no need to import water to current groundwater consumers.

Response to Comment 21-11

The potential impacts of continuing the use of the wastewater treatment plant are discussed in Section 4.12.2.1 of the Draft EIS/EIR, which states that the design capacity of the treatment facility (i.e., 270,000 gallons per day) is adequate to projected demand. In addition Section 4.12.2.1 also states that the water and sewer infrastructure for Kaiser's previous mining activity is sufficient to serve the population increases associated with Project implementation. Kaiser and the County of Riverside Environmental Health Department will enter into a negotiated agreement regarding provisions of potable water.

a
b
12
c
The DEIS/EIR seems to minimize the impacts to Joshua Tree National Park. Information that we have acquired indicates that the applicants would much rather enter into a Memorandum of Understanding (MOU) with Joshua Tree National Park, as opposed to discussing impacts/concerns in the environmental documents. This is not acceptable, and therefore we reiterate, what would be the impacts from 24 hour lighting of the landfill, as well as light from the town, noise, air pollution, windblown litter, not to mention the presence of a new population center practically at the Park's boundary?

13
Geological and hydrological surveys must also be comprehensive. The public must be thoroughly informed of seismic consequences of a landfill of this magnitude, including groundwater degradation and worker safety. The FEIS/EIR must address the long term capabilities of the landfill liner and leachate collection system under the stress of time and geological events. It seems the DIES/EIR relies heavily on information that the court deemed inadequate.

Response to Comment 21-12

(a) BLM has worked with the NPS throughout the preparation of this EIS/EIR to ensure that any impacts of the Project on JTNP are fully evaluated and, where appropriate, mitigated. As a cooperating agency in the NEPA process, the NPS has provided input at every stage, including extensive comments on an administrative draft of the Draft EIS/EIR, and on the Draft EIS/EIR itself. As the lead agency, BLM has fully considered the NPS's input and has made appropriate changes in the EIS/EIR.

(b) Apart from the NEPA process, the Project applicant (MRC) has met with NPS officials, including staff from the JTNP, to negotiate an agreement that would address NPS concerns about possible long-term, unforeseeable and unknowable impacts. The agreement, which in Appendix T, does not supersede the disclosure of impacts or the analyses conducted in the EIS/EIR. The EIS/EIR provides a comprehensive disclosure of Project impacts. Although the agreement is not required by NEPA or any other law, BLM supports the efforts to conclude the agreement. Please see also General Response 3 and the agreement with the NPS (Appendix T).

(c) For a full discussion of potential impacts, the commenter is referred to the following sections of the Draft EIS/EIR: lighting (4.10 and 4.11); noise (4.13); air quality (4.4); windblown litter (4.10); and population (4.8 and 4.12).

Response to Comment 21-13

With respect to information on seismic issues, it is noted that seismic effect/impact issues have been extensively studied and discussed in the Draft EIS/EIR. General Response 5 provides detailed information on seismicity and seismic design for the Project.

With respect to long-term performance of the liner, the composite liner system (i.e. HDPE geomembrane overlying compacted low-permeability soil) will have excellent durability and is expected to have an effective life that exceeds the time period in which leachate and gas would be produced in the landfill. This issue has been addressed in Section 4.1.2.1 and Appendix C-3 of the Draft EIS/EIR. The design and operational plan of the landfill will prevent the HDPE geomembrane from being exposed to unacceptable mechanical or chemical stresses. Under these conditions the design life of

the geomembrane should be on the order of hundreds of years. In the recent invited keynote paper to the American Society of Civil Engineers conference *Geoenvironment 2000,* Bonaparte (1995, the full reference is given at the end of this comment) stated:

"As with soil liners, research results for geosynthetics have been used to establish a state-of-practice in which these materials can be effectively used."....Based on available information, the service life for an HDPE geomembrane used as a component of a liner system in an appropriately designed and constructed MSW landfill should be in excess of the time period for leachate and gas production; the available information suggests the service life of this material will be measured in terms of hundreds of years."

The fact that the 2-foot-thick compacted soil component of the liner system and the GCL component of the unsaturated zone monitoring system are composed primarily of soil minerals is particularly relevant to liner system durability. Soil minerals are stable geological materials that are highly resistant to degradation and that are expected to function indefinitely in the chemical and physical environment of a municipal solid waste landfill liner system. This view on the durability of the soil components of the composite liner is reflected in published technical papers. Two leading authorities on the long-term properties of clay liners are Professor James K. Mitchell of the Virginia Polytechnic Institute and State University (Virginia Tech) and Professor David Daniel of the University of Illinois. Professor Mitchell recently stated (Mitchell and Jaber, 1990, full reference given below):

"By their very nature most clay soils are quite stable materials in their natural state, because they are towards the end point of the degradation phase of the weathering and rock-forming cycle. Thus, if a naturally occurring clay soil is compacted to high density, thereby producing material with a very low hydraulic conductivity, and if it is maintained within the same ranges of temperature, pressure, and chemical and biological environment, it would be expected to function as a seepage barrier indefinitely."

Professor Daniel has concluded (Daniel and Liljestrand, 1984, full reference given below):

"No detrimental effects were observed when a wide range of actual and simulated landfill leachates were passed through specimens of natural earthen liner material."

Moreover, the durability of the liner system is just one factor which affects the long-term effectiveness of the landfill containment systems. Other major factors include the arid site conditions (which will result in negligible long-term leachate production) and the design of the final cover system and its ability to be maintained.

With respect to long-term performance of the leachate collection system, the leachate collection and removal system (LCRS) was designed to resist clogging over time. The LCRS system design is summarized in Section 2.1.5.2 and Appendix C-3 of the Draft EIS/EIR and more detailed discussion of the design is provided in Section 6.5 of the ROWD. More information is also provided in the Response to Comment no. 16-37. This EIS/EIR relied upon additional information that was developed subsequent to the previous EIS/EIR.

Bonaparte, R. "Long-Term Performance of Landfills." *Proceedings of the ASCE Specialty Conference Geoenvironment 2000, Vol. 1,* New Orleans, February 1995, ASCE Geotechnical Special Publication No. 46, pp. 515-553.

Daniel, D. E. and H. M. Liljestrand. "Effects of Landfill Leachates on Natural Liner Systems," Department of Civil Engineering, University of Texas, Austin. 1984. 86 pp.

Mitchell, J. K. and M. Jaber. "Factors Controlling the Long-Term Properties of Clay Liners," *Waste Containment Systems: Construction, Regulation, and Performance,* ASCE Geotechnical Special Publication No. 26, 1990. pp. 84-105.

Response to Comment 21-14

The Draft EIS/EIR contains a comprehensive review of the fractured bedrock and impacts and is presented in Sections 3.1, 3.9, 4.1, 4.9, and 5, as well as Appendix C-1, C-2, C-3, and C-4.

14 Lastly, the fact that this site is one of former mining operations should preclude it from any landfill consideration. The site is riddled with fractures from previous mining operations. Complete mapping of the fractures, along with analysis of how they will affect the landfill design and safety, must be provided to the public. It is a common fact that mines are the least suitable environment for a dump, due to pollution created

by mining. Acid Mine Drainage (AMD) needs to be addressed in the FEIS/EIR, (we requested this information in our scoping comments). Acid is released when iron pyrite is exposed to air and water. The pyrite is oxidized which can leach toxic metals from other minerals associated with pyrite. A California study
15 indicated, material left behind - tailings, ponds, and spoil heaps - are like timebombs. Acid formation can begin after the mine is closed as water migrates down through the tailings area. It could take years or decades for acid to reach the groundwater. In the case of the proposed landfill, the use of coarse tailings and the clay or "slime" tailings will be incorporated in the landfill cover and liner system. Analysis has shown that heavy metals exist in the clay tailings in depths of only 18 inches. The analysis of the clay tailings need to be conducted to the depth material will be taken from. What will be the impacts to the water quality using these
16 materials ? What will be the impacts from air borne dust, containing heavy metals when removing the material for constructing the liner system, which will be an on-going process ?

In closing, during the BLM Public Hearing held in Palm Springs, an opposition position paper was placed into the public record, by the Chapter's Eagle Mountain Coordinator, please include responses to the
17 questions/comments raised therein. San Gorgonio Chapter of the Sierra Club recommends the No Project Alternative, for the proposed Eagle Mountain Landfill and Recycling Center. Thank you.

Donna Charpied,
Chapter's Eagle Mountain Coordinator

enc.:
Chapter's Resolution of Opposition

cc
Peter Burk, Chapter's Solid Waste Chairman

Response to Comment 21-15

The iron ore mining undertaken at the site utilized a mechanical and gravitational system to separate the iron ore from the surrounding material. The spoil material was deposited in either "waste piles," coarse tailings piles, and fine tailings ponds as discussed in Section 1.1.1 of the Draft EIS/EIR. As discussed in Section 2.1.5 of the Draft EIS/EIR, these materials would be used in the construction of the landfill liner system.

The impacts of the use of these materials are discussed in Section 2.1.5, 3.2, and 4.2 of the Draft EIS/EIR. The Report of Waste Discharge submitted to the Regional Water Quality Control Board in 1992 contains exhaustive test data on the chemical and physical tests run on the fine tailings and coarse tailings that will be used for constructing the lining and leachate collection systems. The tests involved running a leachate through the compacted soil and testing the leachate to see if it had reacted with the metals in the soil to adversely affect the chemical composition. The results indicated no change that would affect the water quality. The test results also indicated that the material is well suited for this use.

In addition, Section 3.2.2.2 contains a detailed discussion of the pertinent results from the Department of Toxic Substances Control (DTSC) investigation in 1994. The DTSC performed a site inspection and ran chemical tests on a number of samples of the tailings materials. The DTSC report concluded that neither the analytical results or the regulatory status of the tailings would preclude it being used as a landfill liner material.

The existing groundwater at the site does not indicate a low pH, which would be indicative of acid mine drainage.

Response to Comment 21-16

See Response to Comment 195-3.

Response to Comment 21-17

Comment acknowledged.

Sierra Club
San Gorgonio Chapter

Serving Riverside and San Bernardino Counties
Tahquitz Group • Los Serranos Group
San Bernardino Mtns. Group • Mojave Group
Moreno Valley Group

658 N. Mountain View Ave., Suite 130
San Bernardino, CA 92401
(909) 381-5015

The San Gorgonio Chapter of the Sierra Club opposes the proposed Eagle Mountain Landfill and Recycling Center because the proposed project poses significant threats to regional resources and is an inappropriate land use adjacent to one of the World's most pristine desert ecosystems.

Adopted by the Conservation Committee July 9, 1996, by a vote of 12 - 0 - 1.

Adopted by the Executive Committee July 23, 1996, by a vote of 10 - 1 - 2.

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COMMENT LETTER 22

Palm Springs Chamber of Commerce

WEST AMADO ROAD · PALM SPRINGS, CALIFORNIA

ACCREDITED

96 AUG 27 PM 12: 26

RIVERSIDE, CA.

August 23, 1996

Riverside County
Bureau of Land Management
Supervisor Roy Wilson
Supervisor Tom Mullen
Supervisor John Travaglione
Supervisor Kay Ceniceros
Supervisor Bob Buster

To whom it may concern:

The Board of Directors of the Palm Springs Chamber of Commerce today voted to endorse the proposed Eagle Mountain Landfill and Recycling Center project.

The Eagle Mountain project is designed to the highest levels of environmental protection, and we believe that based upon the intense level of analysis and review documents, the project, with proposed mitigations, will not significantly impact the environment.

1 Further, the Eagle Mountain project will create new jobs and positive economic impact to the area. As proposed, the project represents a unique blend of positive economic impact and environmental protection that we believe is good public policy.

The Coachella Valley needs the environmentally superior replacement disposal capacity that Eagle Mountain will provide. With the opening of Eagle Mountain, the existing problem sites in our area can be closed.

Finally, we believe that waste will be transported through the Coachella Valley, with or without Eagle Mountain, and our area must have those impacts mitigated to the highest extent possible. It is only with Eagle Mountain that our area will have environmental mitigation of those certain transportation impacts.

For these reasons, we urge you to approve the proposed project as quickly as possible.

Sincerely,

Miles Barrett, President
Palm Springs Chamber of Commerce

PALM SPRINGS ... EVERYTHING UNDER THE SUN

Response to Comment 22-1

Comment noted.

COMMENT LETTER 23

IEDA

INLAND EMPIRE
DISPOSAL ASSOCIATION

3972 North
Waterman
Avenue
Suite 103
San Bernardino
California
92404
(909) 883-8701
FAX 883-6670

DAVID FAHRION
President
MIKE ARREGUIN
Vice President
GORDON BEERS
Secretary-Treasurer

Board of Directors
SHEILA BATH
MARK BLACKBURN
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BRENT SPEERS
JIM TATOSIAN
RICK WADE

KELLY ASTOR
General Counsel

PAUL RYAN
Technical Director

HY WEITZMAN
Executive Director

RECEIVED
96 SEP 13 PM 1:04
RIVERSIDE, CA

September 11, 1996

Joan Oxendine
California Desert District
6221 Box Springs Blvd.
Riverside, CA 92507

David Mares
County of Riverside
4080 Lemon Street, 9th Floor
Riverside, CA 92501

Dear Sir and Madam:

We have reviewed the Draft Environmental Impact Statement/Report and have the following comments:

1 | 1. The document appears to adequately address all potential environmental impacts.

2 | 2. New environmentally sound disposal capacity is needed for the eastern side of the County. It is important that those cities and the County have more options available.

3 | 3. In order to provide the lowest collection rates to citizens of the County long term arrangements are advantageous. Regional sites, such as the privately funded and permitted sites at Eagle Mountain, will provide the opportunity for long term disposal.

4 | 4. New jobs created by Eagle Mountain will add desperately needed employment opportunities for citizens in the eastern portion of Riverside County as well as its overall positive economic impact.

5 | 5. The site proposed is an ideal location for a municipal solid waste facility. It is dry, remote, geological sound and away from population enters.

6 | 6. True private projects such as Eagle Mountain remove unnecessary financial burdens from local governments. This is good public policy.

DEDICATED TO PROVIDING EFFICIENT AND ECONOMICAL REFUSE AND RECYCLING SERVICES FOR THE CONTINUED GOODWILL, GOOD HEALTH AND WELFARE OF THE COMMUNITIES IN WHICH WE WORK AND LIVE.

Response to Comment 23-1

Comment acknowledged.

Response to Comment 23-2

Comment acknowledged.

Response to Comment 23-3

Comment acknowledged.

Response to Comment 23-4

Comment acknowledged.

Response to Comment 23-5

Comment acknowledged.

Response to Comment 23-6

Comment acknowledged.

7 | 7. The Draft Environmental Impact Statement/Report analyzes truck transportation impacts from all of Riverside County, The project proposal would limit truck transfer to the site after three years to only areas within the desert portion of the County. We believe that truck transportation should be allowed from all areas of Riverside County for the life of the project.

8 | 8. A portion of the mitigation fee for the project should be dedicated to the County's unfunded liability for closure, post-closure and remediation of existing landfills to insure that citizens do not bear that added responsibility.

9 | 9. The Draft Environmental Impact Statement/Report contains an exhaustive review of all technical issues particularly natural resources, water and seismic issues.

Finally, we believe that a timely review of this project will contain development costs which will result in more affordable rates for the citizens of Riverside County. We urge the Bureau of Land Management and Riverside County to approve the project with consideration of our comments.

Thank you.

Sincerely,

Paul Ryan
Technical Director

Response to Comment 23-7

Comment acknowledged. The Project is proposed primarily as a rail-haul facility.

Response to Comment 23-8

Comment acknowledged. The County of Riverside has not yet made a decision about the activities that will be funded from the fees related to operation of the Project. Decisions about the use of the fund will be made by the County (trustees of the mitigation fund) with advice from an advisory committee composed of a range of government agencies and environmental group representatives.

Response to Comment 23-9

Comment acknowledged.

COMMENT LETTER 24

BAY AREA NUCLEAR (BAN) WASTE COALITION
2760 Golden Gate, San Francisco California 94118
(415) 752-8678 ◆ (415) 868-2146

Date: September 10, 1996

To: Eagle Mountain Landfill and Recycling Center Project
Bureau of Land Management
6221 Box Springs Boulevard
Riverside, California 92507

From: Philip M. Klasky
Co-Director, BAN Waste Coalition

Re: Comments on the Draft Environmental Impact Statement/Report for the proposed Eagle Mountain Landfill (EIR No. 397).

Enclosed please find comments on the Draft Environmental Impact Statement/Report (DEIS/R) for the proposed landfill at Eagle Mountain. The project represents another assault on the desert ecosystem with adverse impacts that cannot be mitigated. The DEIS/R fails to analyze the project in context of cumulative impacts on regional air, water and visual quality, flora and fauna and particularly on the desert tortoise (*Gopherus agassizii*), a state and federally listed threatened species.

1

The DEIS/R does not sufficiently acknowledge or explore the negative impacts to Joshua Tree National Park or the Pinto Mountain Critical Habitat Unit, located adjacent to and partially within the proposed facility and access roads. The attraction of ravens, coyotes and other tortoise predators and the introduction of invasive species would have a significant adverse impact on the desert ecosystem. The project would adversely modify and destroy critical habitat along the road to the proposed facility and would adversely modify and destroy critical habitat in the surrounding areas.

A federal land transfer would precipitate legal action involving the protections and prohibitions of the Endangered Species Act and the National Environmental Policy Act.

The majority of the following comments pertain to Biological Resources, Section 4.7.

Response to Comment 24-1

The Draft EIS/EIR (Chapter 5) contains an analysis of the cumulative impacts of past, present, and reasonably foreseeable actions/projects that could in conjunction with the proposed Project, contribute to cumulative impacts on the environment. The Council on Environmental Quality regulations implementing NEPA define cumulative impacts (40 Code of Federal Regulations [CFR] 1508.25) but provide no methodology for assessing such impacts. The CEQA Guidelines (Section 15130) provide two alternative ways to identify projects that may cause cumulative impacts—by developing a list of projects or by summarizing projects contained in an adopted general plan or related planning document. The methodology used in the Draft EIS/EIR combined these two approaches and developed an impacts analysis of this Project in conjunction with identified projects and actions.

The actions and projects that could contribute to cumulative impacts were identified by contacting the appropriate state, local, and federal land management authorities in Southern California to identify individual projects as well as relevant planning documents.

Within the vicinity of the of the proposed Project, the following actions and projects were considered:

The Eagle Crest Hydroelectric Project. This project has the potential for cumulative impacts related to water quality and use, air quality, land use, biological resources, growth/socioeconomics, geology, and possibly cultural resources.

Projects planned at JTNP as part of the JTNP General Management Plan or Management Plan for Natural and Cultural Resources. The Draft EIS/EIR identifies 11 planned projects or actions that were listed in these plans; the only one with the potential to lead to cumulative impacts is the potential growth in JTNP visitor usage by up to 300 percent (up to 4 million visitors).

Bureau of Land Management Projects. Except for other proposed regional landfills, there are no other projects currently proposed on federal public lands in the County of Riverside that would contribute to cumulative impacts

on the environment (personal communication, Tom Peters/CH2M HILL, with Joan Oxendine/BLM, 1995).

Private projects planned in the County of Riverside. Consultation with the County of Riverside indicated that there are no identified projects within the relevant geographic areas for the Project that are within the land management authority of the County that have been proposed that have the potential to contribute to cumulative impacts on the environment (personal communication, Tom Peters/CH2M HILL, with David Mares, County of Riverside Planning Department, 1995).

Edom Hill Landfill. This landfill, located on land leased from the BLM near Cathedral City in the Coachella Valley of the County of Riverside, is an existing County landfill permitted to receive up to 1,200 tons of waste per day. The Riverside County Waste Resources Management District proposes to expand the landfill vertically, increase its capacity to a daily maximum of 2,651 tons per day, and extend its anticipated closure date to 2010. This increase in capacity would be needed as the nearby Coachella landfill closes in 1997, and waste is diverted from Coachella landfill to Edom Hill landfill. Because of this landfill's relatively small size, its location more than 50 miles away from the Eagle Mountain Project, and its anticipated closure by 2010, this landfill was determined not to contribute to cumulative impacts.

Of 36 major existing and proposed landfills located in the Southern California region, three (La Paz County Regional Landfill, La Paz County, Arizona; Rail Cycle-Bolo Station, San Bernardino County; and Mesquite Regional Landfill, Imperial County) were identified as having the potential to contribute to cumulative impacts. These three projects were identified because they have active permit applications and/or environmental review processes, would use rail systems to haul waste, would have a proposed life expectancy that could contribute to meeting long-term waste disposal needs of Southern California, and would be capable of accepting up to 20,000 tons per day of waste. The EIS/EIR, therefore, meets the requirements for considering cumulative impacts. This analysis identified the potential for cumulative impacts of one or more of these projects, in conjunction with the Eagle Mountain Project, to result in (1) impacts to regional air quality; (2) loss of habitat and individual sensitive species (including desert tortoise, mule deer, bighorn sheep, and Alverson's foxtail cactus); (3) potential impacts from increases in predators; and impacts to traffic and traffic safety.

The cumulative impacts analysis identifies two types of possible cumulative impacts:

Air quality impacts associated with the proposed Project in conjunction with air quality impacts resulting from growth in visitor traffic in JTNP, with other regional landfill projects, and with general residential and traffic growth within the same air basin

Groundwater depletion associated with the proposed Project in conjunction with the Eagle Crest Hydroelectric Project (it should be noted that the proposed Project by itself would not have significant impacts to groundwater use, but the Eagle Crest Hydroelectric Project would have significant impacts, and therefore the combined projects would have cumulative significant impacts).

The analysis contained in the Draft EIS/EIR identifies no other significant cumulative impacts. The Draft EIS/EIR discusses cumulative impacts to regional air, water, visual quality, flora and fauna in Sections 5.5.2.4, 5.5.2.1 and 5.5.2.6, 5.5.2.10, and 5.5.2.7, respectively. Cumulative impacts to desert tortoise are identified on pages 5-28, 5-31, and 5-35. The desert tortoise population in the vicinity of the Eagle Mountain Project site is part of the Eastern Colorado Evolutionarily Significant Unit (ESU) identified in the Desert Tortoise Recovery Plan. The Recovery Plan includes six geography areas each supporting an ESU. All other projects appropriate for consideration in assessment of cumulative impacts occur in areas outside of the Eastern Colorado ESU with the exception of the proposed Mesquite Regional Landfill. Within the Eastern Colorado ESU, the local populations at the Eagle Mountain Project and the Mesquite project are separated by 75 miles. The separation of these local populations, combined with mitigation measures identified for the Eagle Mountain Project, including the Biological Opinion for desert tortoise, acquisition of 400 acres of high-quality habitat, and acquisition of habitat for desert tortoise through the Environmental Mitigation Trust, reduce potential cumulative impacts to this species to less than significant.

Impacts to JTNP, including increased exotic species, and tortoise predators are discussed in Section 4.7.4 and in Section 5. The Pinto Mountain Critical Habitat Unit for desert tortoise, which the Comment indicates is adjacent to, partially within, and includes access roads for the Eagle Mountain Project,

straddles the San Bernardino/Riverside county line and does not include any portion of the Project facilities; the boundary of the Pinto Mountain Critical Habitat Unit is a minimum of 4 miles from the Eagle Mountain Project site (see Desert Tortoise Recovery Plan map of the Pinto Mountain Critical Habitat Unit [USFWS, 1994]). The efficacy of mitigation measures proposed for the Eagle Mountain Project, which are thoroughly evaluated and discussed in Appendix G of the Draft EIS/EIR and summarized in Section 4.7 of the Draft EIS/EIR, are considered to be sufficient to reduce impacts to desert tortoise to less than significant, both within Project boundaries and in the area surrounding the Project. See General Response 6.

1. Biological Opinion

2a The DEIS/R has been issued without a biological opinion (BO) by the US Fish and Wildlife Service (USFWS). This omission prevents comprehensive comment on the DEIS/R since there is much evidence to conclude that the proposed project will adversely modify and destroy critical habitat for the desert tortoise and cause a perilous decline in tortoise populations in Joshua Tree National Park. Without an up-to-date BO, baseline information about the density of tortoise populations, population decreases and their causes, mitigation measures and compliance with Bureau of Land Management, National Park Service and US FWS recommendations for recovery and conservation of the species cannot not be adequately analyzed.

The letter dated September 20, 1993, from USFWS Field Supervisor to the State Director of BLM indicating that the previous BO would suffice given the designation of critical habitat does not constitute reinitiation of consultation since the standard for jeopardy opinions changes with the designation of critical habitat triggering a whole new biological assessment. In addition, there is new information regarding the status of tortoise populations since the original BO. Reinitiation of consultation involves a thorough review of

2 all new information through a formal process and cannot be satisfied through a cursory administrative waiver.

Since the original BO in 1992 new information regarding the presence of upper respiratory tract disease (URTD) in eastern Mojave desert tortoise populations, population densities in the areas adjacent to the project in Joshua Tree National Park and in other portions of tortoise habitat has become available.

Ravens and other predators do not recognize national park and critical habitat boundaries and it is the responsibility and legal obligation of the Bureau of Land Management and USFWS to explore the implications of the proposed landfill on local and regional ecosystems. The consulting agencies have failed to address this issue in the previous EIS/R and continues to contradict its charge to protect the public lands with the current document.

According to the provisions of the Endangered Species Act, the standard for jeopardy in critical habitat is more stringent than the criteria employed in the previous EIS/R. Whereas the previous BO was concerned with the potential for extirpation of the species, the next BO must determine if the proposed project would adversely modify or destroy critical habitat and if the project would contribute to the conservation and restoration of the species.

b The proposal for a landfill adjacent to two Desert Wildlife Management Areas (Chuckwalla and Joshua Tree) is in direct conflict with the USFWS Desert Tortoise Recovery Plan. Since the standard for jeopardy for projects that will affect critical habitat is recovery and conservation, the new BO should use the management recommendations contained within the Recovery Plan for a guide in the determination of jeopardy.

Response to Comment 24-2

(a) Consultation under Section 7 of the ESA was completed in 1992 for the proposed land exchange and landfill. With respect to responsibility under ESA, the BLM has received a letter of concurrence from the USFWS that there is no need to reinitiate consultation relative to Section 7 (see Appendix O). The USFWS has reviewed the Draft EIS/EIR and determined reinitiation of Section 7 Consultation is not required. The terms of the Biological Opinion are binding and mandatory on the BLM and on the Project applicant. The Biological Opinion provides as follows: "In order to be exempt from the prohibitions of the act, a project applicant and/or Bureau are responsible as appropriate, with compliance with the following terms and conditions..." Moreover, if the proposed land exchange and right-of-way grant are implemented, each of the terms and conditions of the Biological Opinion will be made a mandatory condition of the right of way grant, which could be suspended or revoked in the event of noncompliance. The Biological Opinion does address habitat, as well as extirpation of species. Also see Response to Comment 1-107.

(b) Recommendations for specific management actions in the Recovery Plan for the Chuckwalla DWMA include restricting train traffic to 1991 levels or constructing barrier fencing and desert tortoise underpasses under the railroad tracks. Tortoise-proof fencing along well-used roads in the area also is recommended. Pages 4.7-20 through 47-28 of the Draft EIS/EIR and pages 5-5 through 5-12 of Appendix G of the Draft EIS/EIR address mitigation to avoid and reduce impacts to desert tortoise. Among these are mitigations that are consistent with the management actions recommended in the Recovery Plan. In addition to recommendations identified in the Recovery Plan, Project mitigations to reduce or avoid loss of tortoises as a result of reactivating the railroad include placement of ballast within railroad tracks to facilitate movement of tortoises from between the tracks, and a survey of tracks prior to each train trip from February 1 to October 31 to remove tortoises from the tracks prior to train passage. Impacts to species occupying the Joshua Tree DWMA are addressed in Section 4.7.4. Please see also General Response 6 regarding raven predation. Again, Project mitigations are consistent with specific management recommendation identified in the Recovery Plan. Additionally, the Environmental Mitigation Trust would be used, in part, to acquire private inholdings that provide

tortoise habitat (and habitat for other species) within these two DWMA, thus reducing potential habitat fragmentation for tortoises and other species.

2. Cumulative Impacts

3 The proposed dump project must be analyzed in relation to cumulative impacts on the desert tortoise. The DEIS/R is inadequate in that it fails to consider the effects of other existing and proposed impacts on critical habitat and the desert tortoise. The DEIS/R must address the extent to which the proposed project would add to these impacts.

3. Increase in Tortoise Predation

The dump project, bringing 20,000 tons of household garbage daily to an area surrounded by Joshua Tree National Park on three sides, critical habitat on three sides and on the other side, will attract ravens, coyotes and other tortoise predators to the area. Ravens have a 45 mile range and will consume juvenile tortoises in areas designated as essential to the conservation of the species. The dump project directly violates mandates in the USFWS Desert Tortoise Recovery Plan which call for the protection of Desert Wildlife Management Areas (DWMAs).

4 Attempts to dissuade ravens from congregating at other landfill sites, such as shooting, hazing and poisoning, have not been proven and can lead to other adverse impacts. Monitoring raven predation and adverse effects on the tortoise while the project proceeds is not a mitigation. That's like trying to prevent traffic accidents by photographing them. Coyotes attracted to the site by increased human activity and the presence of garbage will constitute an imbalance in predator/prey relations in both critical habitat and the national park. Trash accumulating along transportation routes and blown by winds off-site will further exacerbate the threat from predation.

Joshua Tree National Park is a veritable tortoise preserve where important research continues to add to our understanding to the status of the species. It is irresponsible to allow the construction of a landfill near such a rich and invaluable resource.

The DEIS/R fails to adequately address the effects of the project on desert tortoises through increased predation and habitat destruction and the proposed mitigations violate the standards of significance as defined by the California Environmental Quality Act and the National Environmental Policy Act.

4. Introduction of Weeds

5 The DEIS/R fails to adequately consider the effects of the introduction and distribution of weeds encouraged by disturbance, from seed banks carried in the garbage, distributed by animal and wind vectors, seeds carried in the tires of the vehicles visiting the site and on the trains hauling the household

wastes. Evidence of the proliferation of invasive species as witnessed in many parts of the desert bioregion which have experienced human disturbance, has shown that invasives out-compete endemics, impoverish biological diversity and eventually present a fire hazard to the region. These effects cannot be contained or mitigated.

Response to Comment 24-3

See Response to Comment 24-1.

Response to Comment 24-4

The Draft EIS/EIR addresses the mitigation measures for desert tortoise populations, including those intended to control factors that could lead to increases in number of desert tortoise predators, in a study that included 234 Biological Opinions addressing take of desert tortoise. These results are discussed on pages 3-32 through 3-39 of Appendix G of the Draft EIS/EIR. Results indicate that for the projects covered by these Biological Opinions, tortoise mortality was only 5.4 percent of what was allowable by the USFWS in the Biological Opinions. Even if tortoise mortality had been 100 percent of that allowable by the USFWS, that level of mortality would not be considered by the USFWS to jeopardize the tortoise. Mitigation included in the Draft EIS/EIR for the Eagle Mountain Project includes measures that were found to be most effective in reducing tortoise mortality. Additional mitigation measures also are included in the Draft EIS/EIR for the Eagle Mountain Project to protect desert tortoise. See also Response to Comment 16-2 and General Response 6.

Response to Comment 24-5

Potential for introduced species is adequately addressed in Section 4.7.4 of the Draft EIS/EIR. Also see General Response 6.

5. Impacts upon Critical Habitat Along Transportation Routes

Rail transportation routes to the proposed dump site will invade sensitive desert tortoise habitat. The increase in rail traffic will create vibrations which will force tortoises to move to other locations where they will compete with resident tortoises for forage and reproductive opportunities. Without a
6 thorough study of the carrying capacity of the areas adjacent to the rail routes, the full extent of this impact is not known. Furthermore, tortoises will be destroyed by trains along transportation corridors, despite the ludicrous mitigation measures proposed by the landfill proponent and accepted by the USFWS in the previous BO.

The proposal for expansion of the road to the proposed site would destroy critical habitat. This impact cannot be mitigated and represents another way in which geographically delineated areas essential for the conservation and recovery of the tortoise are degraded in a piecemeal fashion.

6. Adverse Affects on Air and Visual Quality

The DEIS/R has failed to adequately address the effects on the air quality in the regional and especially upon Joshua Tree National Park. This increase in pollution will result from construction and during operation of the landfill for the next 100 years. Joshua Tree National Park, currently suffering from air
7 pollution from surrounding areas, is a Class I Airshed. Wind currents will send particulate matter from the proposed landfill into the national park and degrade an already vulnerable resource. What will be the effects of increased particulate matter on the visual aesthetics of the national park? How can this effect be quantified or mitigated?

The DEIS/R erroneously states that nighttime lighting will have no environmental effects. Light pollution at night has a severe impact upon the
8 aesthetic appreciation of the night sky and degrades astronomical observation. How does the DEIS/R quantify the sense of peace and natural integrity provided by a dark night? How could this effect be mitigated?

Response to Comment 24-6

See Response to Comment 20-43. Additionally, the potential impact of vibrations on tortoises is discussed in detail in Appendix G of the Draft EIS/EIR.

Response to Comment 24-7

The comment does not state why the air quality analysis is inadequate. Appendix E, Part 4 of the Draft EIS/EIR contains an analysis of Project impacts on the region and Appendix E, Part 6 contains a complete analysis of the impacts of the proposed Project on JTNP. The analysis for JTNP includes a regional haze analysis, an acid deposition analysis, impacts on vegetation, visibility impact analysis, and an ambient air quality impact analysis of all pollutants emitted by the proposed Project, including particulate matter. All these analyses were requested by the NPS. The impacts are presented for the proposed Project with and without mitigation, and, in the case of the visibility and air quality impact analyses, the reduced volume alternative. These analyses quantify the impacts on the JTNP using methodologies approved by EPA and reviewed by the NPS. The results of these analyses are presented throughout the Draft EIS/EIR. A detailed discussion of the mitigation measures proposed for the proposed Project and all Project alternatives is also included in the Draft EIS/EIR (Appendix E, Parts 4.6, 5.1.6, 5.2.6, 5.3.6).

Response to Comment 24-8

(a) Comment noted. See Appendix W. (b) The "sense of peace and natural integrity" of the night sky is not a measurable element, and can be characterized as on of the intangible aspects of the wilderness experience (see Sections 3.11 and 4.11, Wilderness, of the Draft EIS/EIR). The comment is correct that nighttime light from the Project adds to the existing nighttime light levels and this additional light source is an environmental impact that is discussed in the Draft EIS/EIR (Section 4.10.3, Nighttime Lighting). A revised nighttime light assessment is in Appendix W of the Final EIS/EIR. The incremental increase in night light above the existing condition will not be significant.

The EIS/EIR does not distinguish between wilderness and nonwilderness skies. It does, however, acknowledge that there is a difference between the wilderness and nonwilderness experience in relation to night skies. This discussion is contained in Section 4.10.4 of the Administrative Draft EIS/EIR, which discusses the Project-related nighttime lighting impacts of wilderness areas, the proposed mitigation of impacts, and the significance after mitigation. Mitigations include nonreflective materials and glass, the implementation of lighting standards, and the use of shielded lighting. Also see Response to Comments 1-127 and 26-13.

7. Time Frame

A failing in many environmental impact analyses is the limited time within which the project is considered. For example, the destruction of habitat does not just affect existing flora and fauna but has an impact on all potential life

for the operating period of the project and for a substantial time period beyond until complete restoration, if restoration is indeed possible.

9 In order to establish a temporal scope of the potential impacts, the DEIS/R must identify the time period considered when identifying impacts. The proposed landfill will operate for 100 years followed by a 30 year post-closure plan. But the adverse modification of habitat will last for centuries. The Desert Tortoise Recovery Plan considered a 500 year time period in the discussion of management options. The DEIS/R should state the time frame used to arrive at estimates of impacts upon local and regional ecosystems.

8. Public Access to Documents and an Extension of the Public Comment Period

10 The BLM has failed to make the DEIS/R and all of its appendices readily available to the public. The distribution of the document at public libraries was inadequate to cover large portions of the state. Posting the DEIS/R on-line would make it available to a wider audience while saving on printing costs.

In order to address the fact that the public has not had timely access to the DEIS/R and appendices, the BLM should provide for an extension of the public comment period.

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Response to Comment 24-9

The Draft EIS/EIR describes on page 4.7-1 that impacts were assessed based on potential effects on the long-term persistence of the resource in question. The application of this approach results in an analysis that assesses impacts of the Project regardless of the number of years considered by making the criterion for significance the jeopardy of the long-term persistence of a population of wildlife species, or a native plant community. The results of the analysis, therefore, are appropriate regardless of the time frame considered.

Response to Comment 24-10

The review period for the Draft EIS/EIR was 67 days, which exceeds the review period required for both NEPA and CEQA. NEPA requires a minimum of 45 days for public Comment on a Draft EIS (40 CFR 1506.10). CEQA requires a minimum of 45 days for public Comment on a Draft EIR unless the State Clearinghouse approves a shorter period (CEQA, Section 15087).

The Notice of Completion for the EIR was filed on July 2, 1996. The Notice of Availability for the EIS was published in the Federal Register on July 12, 1996. To facilitate public review, the July 12, 1996 date was used as the starting date for determining the review period. The closing date for public comments was originally September 10, 1996, which would have provided 57 days for public comment. This date was extended to September 17, 1996, which resulted in almost 70 days for public review.

To accommodate public review of the Draft EIS/EIR, an initial printing of 350 copies of the Draft EIS/EIR and 150 copies of the two volumes of the technical appendices was prepared. In response to requests, an additional 20 copies of the Draft EIS/EIR and 16 copies of the two volumes of the technical appendices were printed, resulting in a total of 370 copies of the Draft EIS/EIR and 166 copies of each of the technical appendices. After sending copies of the Draft EIS/EIR to individuals and agencies on a consolidated BLM and County mailing list of approximately 160 people, the remaining copies were sent to members of the public upon request. Copies of the document were sent out within 24 hours of the date of the request.

a Let me reiterate a few specific recommendations: 1) the biological opinion for
b a proposed project should accompany the issuance of a draft environmental impact statement; 2) the BLM should reinstate consultation with the USFWS to perform a new biological assessment and biological opinion on the proposed project considering cumulative impacts on desert tortoise populations given the latest data on population status; 3) the BLM and
c USFWS should use an ecosystem approach to wildlife management and define methods and criteria for that approach and specify how the proposed
11 project fits the criteria; 4) the Department of the Interior should place the
d protection of our national parks above corporate attempts to trash the desert; and, 5) in addition to providing the public with complete copies of the
e DEIS/R and all accompanying documents , and these documents should be posted on-line.

f The proposal to create artificial burrows for a threatened species in order to accommodate a huge garbage dump in the fragile desert is a perfect example of the shameful approach to the conservation of our precious natural resources the DEIS/R represents. The attack on Joshua Tree National Park is particularly onerous and will result in public outcry against both the developers and the federal agencies that attempt to accommodate them.

I look forward to the time when federal land management agencies adhere to the spirit and law of their organic acts and work to preserve the public lands entrusted to them by taking a conservative and scientific approach to ecosystem management.

Thank you for your consideration of these comments, I await your thorough response.

Sincerely,

Philip M. Klasky
Co-Director

cc Secretary of the Interior Bruce Babbitt
Senators Feinstein and Boxer
Kathleen McGinty, Council on Environmental Quality

In addition, copies of the complete document (EIS/EIR, Volumes 1 and 2 of the Technical Appendices) are in more than 20 libraries in Southern California and the San Francisco Bay area. Copies are also available for review in the Palm Springs and Riverside offices of the BLM and in the Indio and Riverside offices of the County.

Response to Comment 24-11

(a) The contents of the Biological Opinion are described in the Draft EIS/EIR in Appendix G and Section 4.7. See Response to Comment 24-2.

(b) See General Response 6 regarding the USFWS position on reinitiating consultation.

(c) Comment noted.

(d) Comment noted, see Appendix T of the Final EIS/EIR.

(e) Comment noted. See Response to Comment 16-54.

(f) The use of artificial burrows for desert tortoise is among the proposed terms and conditions identified by the USFWS in the 1992 Biological Opinion, the BLM's 1993 Record of Decision, and the CDFG's 1994 incidental take permit that would minimize impacts and prevent jeopardy to the desert tortoise. Use of artificial burrows during construction along the access road alignment would occur only if a natural burrow is not available or if an occupied tortoise burrow were to collapse during repair or maintenance of the rail line and would not be used to attempt to recreate tortoise habitat. Note that prior to any repair or maintenance along the rail line, a survey will be conducted in all areas to be repaired or maintained and all tortoise burrows will be marked and reinspected daily so that they may be avoided. Therefore, all possible means will be employed to prevent displacement of tortoises under these circumstances, and use of artificial burrows under these conditions is expected to occur very infrequently and temporarily.

COMMENT LETTER 25

12 International Union of Operating Engineers AFL-CIO
Southern California & Southern Nevada

WM. C. WAGGONER
Business Manager
and
General Vice-President

August 30, 1996

Honorable Bruce Babbitt
Secretary of the Interior
1849 "C" Street N.W.
Washington, D.C. 20240

Dear Honorable Babbitt:

1 a On September 10, 1992, the Service issued a Biological Opinion responding to the Bureau of Land Management's request for a formal consultation pursuant to Section 7 of the Endangered Species Act for the Eagle Mountain Landfill project on federal public land in the California Desert Conservation area. As indicated that opinion was based on 1991 information provided by the project proponents and other information contained in your files. At that point the critical habitat had not been designated for the desert tortoise in California. Subsequently the critical habitat has been designated.

b The proposed landfill as originally proposed has changed significantly. New information has become available on a number of listed species that will be affected by the project. Specifically, there is new information regarding impacts that would result in adverse modification or destruction of designated critical habitat for the Desert Tortoise.

Furthermore, the impact of destroying or damaging this federally owned habitat and increasing the take for the desert tortoise has not been considered. Considerable public funds have already been spent to protect the Desert Tortoise habitat along the now defunct railroad right of way through the Chuckwalla Bench Area of Critical Environmental Concern and Chuckwalla Desert Wildlife Management Area. This project will jeopardize this public taxpayer investment. Reactivating this rail line, increasing the take of desert tortoise and damaging this critical habitat that is already in public ownership will have a significant impact on other development projects in Riverside County. Additionally, expanding the Eagle Mountain Road will also destroy habitat and increase the take of desert tortoise, as well as impact other threatened or endangered species. Destruction of this habitat and increasing the take will have a significant impact on other development projects in the county. The Service needs to consider the job and economic impacts of destroying this habitat and limitations on other development projects.

c Additionally, the modifications and rebuilding necessary for the railroad trestle would likely result in the previous incidental take limit being met or exceeded for the desert pupfish.

150 EAST CORSON STREET • P.O. BOX 7109 • PASADENA, CALIFORNIA 91109-7209 • TELEPHONE: (818) 792-8900

Response to Comment 25-1

(a) In reference to reinitiating Section 7 Consultation, see General Response 6 and Response to Comments 1-107 and 24-2.

(b) The comment that the Draft EIS/EIR has not considered take of desert tortoise is not correct. The EIS/EIR discusses impacts to desert tortoise in Section 4.7.3.2 and in Appendix G. The USFWS's Biological Opinion has determined that the proposed Project, with the proposed mitigation, would not jeopardize the desert tortoise. Also see General Response 6 and 25-1(a).

(c) In reference to the comment that the upgrades to the rail line would result in takes of desert pupfish, this issue is addressed in Section 4.7.3.2 of the Draft EIS/EIR. According to the Biological Opinion issued by the USFWS, a determination has been made by USFWS that the proposed Project with proposed mitigation would not jeopardize the pupfish. Also see General Response 6.

Finally, additional new information is now available regarding the cumulative effects to the Desert Tortoise and other species due to three currently proposed and planned 100 year 20,000 ton per day facilities in the California Desert Conservation Area, as well as, other hazardous waste disposal facilities that are also planned for the CDCA.

We respectfully request that pursuant to 50 CFR 402.16 re-initiation of formal consultation and a new Biological Opinion be completed for the new proposed Eagle Mountain Landfill, railroad right of way and federal land exchange.

Sincerely,

William C. Waggoner
Business Manager
I.U.O.E., Local No. 12 and
General Vice President

WC/hrt

cc: Senator Dianne Feinstein
Senator Barbara Boxer
John Garamendi, Deputy Secretary of the Interior
Art Davenport, U.S. Fish and Wildlife - Services
Henri R. Bisson, BLM
Molly Brady, BLM

COMMENT LETTER 26

LOCAL 12

International Union of Operating Engineers AFL-CIO

Southern California & Southern Nevada

WM. C. WAGGONER
Business Manager
and
General Vice-President

September 16, 1996

RECEIVED
SEP 17 1996
RIVERSIDE COU
...ING DEP...

Henri R. Bisson
District Manager
California Desert
6221 Box Springs Boulevard
Riverside, CA 92507

David Mares
County of Riverside
4080 Lemon Street, 9th Floor
Riverside, CA 92501

RE: Comments on the Eagle Mountain Landfill Project, Draft Environmental Impact Report/Statement (DEIR/EIS), State clearinghouse No. 95052023

Dear Mr Bisson & Mr. Mares:

1 Operating Engineers Local 12 appreciates the opportunity to comment on the proposed Eagle Mountain Landfill and Recycling Center Project. We represent workers and their families throughout Riverside county region that would be affected by this 20,000 ton per day facility. As depicted in the Draft Environmental Impact Report/Environmental Impact Statement ("DEIR/EIS"), over the next 117 years a combination of trucks and trains are expected to haul 20,000 tons of garbage from any combination of communities throughout seven Southern California counties to the landfill site in eastern Riverside County. At the site, the garbage will be unloaded from the trains and piled into a man-made mountain. Operating approximately 1.5 miles from Joshua Tree National Park ("JTNP") boundaries, upon completion this landfill will rise higher than the Empire State building and will contain 708 million tons of garbage covering 2164 acres.

The DEIR/EIS presents a fictitious and misleading portrayal of what would happen without the Eagle Mountain Landfill and attempts to paint approval of the Project as an environmentally beneficial step for all of Southern California. The public and decision makers need a more accurate and balanced assessment of the environmental impacts. The men and women who work in Riverside County and the region enjoy much of the recreational opportunities, open space and quality of life amenities provided by Joshua Tree National Park and surrounding Bureau of Land Management wilderness and recreation areas. The environmental degradation posed by this project to these community benefits has not been accurately portrayed, nor have alternatives to this degradation. As well, federal actions that deplete or damage critical habitat, increase air pollution, or deplete water supplies on public land further

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Response to Comment 26-1

The Draft EIS/EIR provides a complete and accurate analysis of reasonable alternatives and potential impacts. With respect to the concerns about the range of alternative analyzed, and the environmental impacts to JTNP, the BLM wilderness areas, purpose and need for landfill capacity, the desert tortoise, and air quality, see General Responses 2, 3, 5, 6, and 7. Recirculation is not required because the Draft EIS/EIR adequately addresses potential impacts of the Project.

limits, and raises the cost for, private development throughout the county and region. These impacts must not be ignored in assessing the proposed project.

We do not believe the full range of alternatives have been analyzed. Among the other critical issues ignored by the DEIR/EIS are: (1) the environmental impacts to Joshua Tree National Park lands and the resources; (2) designated Bureau of Land Management ("BLM") wilderness areas; (3) the extent of any true need for additional landfill capacity in Southern California in light of the numerous other landfill proposals that are competing with this project; (4) the project's impacts to habitat critical to the survival of the endangered desert tortoise; and (5) the hazardous chemicals that will be dumped into the region's air and surrounding national park lands.

As a result of these omissions and misrepresentations, the DEIR/EIS cannot fulfill the twin goals of the California Environmental Quality Act (CEQA): it neither informs the County's decision makers of the negative environmental consequences of approving the project nor provides the public with adequate information to understand or intelligently weigh their elected officials' decision.

The decision before the County is monumental. It will impact the environment in Riverside County and communities throughout Southern California for the next 117 years (or even longer if the groundwater is contaminated). For the next century, the County will have no opportunity to revisit its choice. Therefore, it is imperative that the County take the time now to fully comply with CEQA and all other applicable laws to ensure that the Supervisors and the public have a full understanding of the environmental consequences.

Given the scope of the deficiencies in the DEIR/EIS it needs to be revised and re-circulated for public review and comment. Our detailed comments are attached.

Sincerely,

William C. Waggoner
General Vice President and
Business Manager,
I.U.O.E., Local No. 12

Attachment
cc: Secretary Bruce Babbitt
Riverside Board of Supervisors

I. THE DEIR/EIS IS INADEQUATE BECAUSE IT FAILS TO CONSIDER A FULL RANGE OF ALTERNATIVES

A. The DEIR/EIS Fails to Consider Reasonable Alternatives.

The National Environmental Policy Act (NEPA) requires the Secretary of Interior to ensure that all potential measures for reducing the environmental impacts of a proposed project have been adequately considered. The DEIS/EIR fails to discharge this duty. The DEIR/EIS summarily dismisses from consideration other rail-haul sites in the California Desert Conservation Area, all of which require similar land exchanges or rights-of-way and which purport to provide public benefit through the acquisition and consolidation or protection of habitat. BLM, as the lead agency, cannot dismiss these sites from the analysis merely because they are "not within the jurisdiction of the County". (DEIR/EIS 2-66.) 2

Similarly, out of state rail haul alternatives are dismissed because "it is doubtful that they can be considered as a dependable long-term solution to the region's disposal needs..." (DEIR/EIS 2-72.) There is no supporting evidence to support this conclusion. No analysis is provided to show how the combined capacity from this project and the other existing and proposed sites is indeed necessary. The analysis provided uses words such as "could be required" or "other rail haul facilities could be required for the long term unless new disposal technologies are developed..." (DEIR/EIS 1-31.) Clearly the various 20,000 tons per day (tpd) rail haul projects proposed for BLM land exchanges in the California desert are viewed as competing proposals. "For the following reason, more than one site could be developed to: (1) ensure competitive disposal pricing,...." The Secretary is required to ensure that all potential measures for reducing environmental impacts have been adequately considered under the NEPA process, including consideration of potential alternatives that would have fewer or less detrimental environmental impacts. This omission renders the EIS deficient. (See EDF v. Andrus, 619 F.2d 1368, 1375 (10th Cir. 1980) "[t]he existence of a viable but unexamined alternative renders an environmental impact statement inadequate.")

To be considered a feasible alternative, NEPA does not require these alternatives to necessarily meet all of the proposed project's multiple goals. However, NEPA does require the analysis of feasible alternatives even if such alternative (s) will only meet a portion of the agency's goals or address only part of the need being served. (See, e.g. NRDC v Morton, 458 F2d 827, 836 (D.C. Cir. 1972) ; Citizens for a Better Henderson v. Hodel, 768 F.2d 1051, 1057 (9th Cir. 1986).)

Five regional rail haul facilities are identified in Section 5.4.2. All of them have been discarded as alternatives. The description on page 5.25 describes the Chocolate Mountain Regional landfill project as "a proposed 1,200 acre, Class III landfill in Imperial County, involving a transfer of approximately 2,530 acres of federal land. As proposed, an existing Southern Pacific railroad main line would be used to haul up to 20,000 tpd of solid waste to the Chocolate Mountain facility, which is approximately 50

1

Response to Comment 26-2

Please see General Response 2 concerning alternatives. With respect to the Comment that requests a comparative analysis of impacts of different landfills, please refer to Table 2-5 of the Draft EIS/EIR (pages 2-67 through 2-69), which compares the impacts of the Eagle Mountain, Mesquite, and Rail Cycle/Bolo proposed landfills and the La Paz landfill. Please see also General Response 1. Regarding Chocolate Mountain, no application has been filed for this proposed landfill, and it, therefore, was not considered a viable alternative under CEQA or NEPA.

miles south of the proposed Eagle Mountain Project site, over an expected lifetime of approximately 100 years." From this description, the Chocolate Mountain landfill is a sufficiently concrete "proposal" to require consideration under NEPA as an alternative to the action being proposed here. The lack of completion of an EIR for the Chocolate Mountain Landfill or the fact "no application is pending before Imperial County or the BLM" are not sufficient justification under NEPA to avoid comparative analysis of this alternative.

In a similar vein, the DEIS/EIR's argument that other proposed projects, such as Mesquite and Bolo station, are not within the jurisdiction of Riverside County is irrelevant. NEPA requires the lead agency to address feasible alternatives even if not within their jurisdiction. (Environmental Defense Fund, Inc. v. Corps of Engineers, 492 F 2d 1123,1125 (5th Cir. 1974) and 40 C.F.R. Section 1502.14 (C). For these two alternative landfill sites in particular, not only is there an active "proposal" sufficient to render these alternatives well beyond "remote and speculative," but detailed environmental analysis has already been done.

A comparative analysis of the various potential impacts of the Eagle Mountain landfill proposal -- which will destroy critical desert tortoise habitat and which is located within 1.5 miles of national park and wilderness lands and would be within a mile of designated BLM wilderness lands -- is not only reasonable but is legally required under NEPA. The discussion provided in the cumulative impacts section is does not meet NEPA's legal requirement. Similarly, the failure to consider and analyze other reasonable disposal options within Riverside County and out of state also misses the mark.

B. The DEIR/EIS Provides an Inaccurate and Disingenuous Description of the No Action Alternative.

An essential component of a legally adequate EIR is a thorough evaluation of reasonable alternatives to the proposed project. (§§ 21002.1(a), 21061 and 21100(a); CEQA Guidelines § 15126(d); see also Kings County Farm Bureau, 221 Cal. App. 4th at 733, 270 Cal. Rptr. at 668.) As part of the alternatives analysis, an EIR must analyze the
3 environmental consequences of developing no project whatsoever. CEQA Guidelines § 15126(c)(4). This "no project" (or "no action") analysis must "discuss the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. (Id.) The analysis of a realistic no action option serves a core goal of CEQA by providing the public and the decision makers with a direct comparison between the environmental consequences of approving the project and the environmental consequences of terminating it. (County of Inyo, 71 Cal. App. at 203, 139 Cal. Rptr. at 408.)

The DEIR/EIS does not consider a genuine no action alternative. Brushing aside the likelihood that any garbage would be hauled to competing Eagle Mountain Landfills

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Response to Comment 26-3

The Draft EIS/EIR accurately describes a true No Project or "No Action" alternative. Under the No Project alternative, the proposed Project is not approved. Kaiser would continue its existing mining related activities on the Project site, including sale and transport of overburden materials. The reverter would not be triggered and thus, no lands on the Project site subject to a reverter clause would be transferred to the BLM. The current reclamation plan for the Project site provides for the continued maintenance of overburden and tailings ponds areas, thus the existing condition associated with the Project site's general physical condition would remain the same.

The commenter also questioned the quality and quantity of the offered lands being transferred by Kaiser to BLM as part of the Project. The amount of high-quality habitat lands is 1,038 acres, as set forth in Section 2.0 of the Draft EIS/EIR (the Project Description). Please see General Response 3 in response to comment regarding habitat value.

outside Southern California's metropolitan areas if the Eagle Mountain Landfill is not approved, the DEIR/EIS instead presents a contrived story in which the no action alternative would have the same air quality impacts, the existing mine reclamation would be a visual blight, garbage would go to existing landfills, and the right-of-way and land exchange would merely "not occur." (DEIR/EIS 2-59.)

Putting aside for a moment the veracity of the air quality analysis, this imaginary scenario fails to disclose that in accordance with the United States reversion interests' contained in Private Law 790 (PL 790) the railroad right-of-way, road right-of-ways and 465 acres of exchange lands that the United States hold around the Kaiser mining claims, are required to be reverted to the public in their restored condition upon the failure of these lands to be used for mining purposes. This reversion would provide important wildlife benefits at no cost to the public. Indeed, there is no discussion in the no action alternative of the wildlife, water and land use benefits from not damaging critical desert tortoise habitat with 200 trucks daily, and 12 train trips bisecting these public lands 24 hours a day.

Instead the no action alternative provides contrived and unsubstantiated conclusions of impacts. For example, the DEIR/EIS(1-51) claims with regard to bighorn sheep, desert pupfish and desert tortoise the no action alternative "precludes high quality habitat land exchange." This is a self serving analysis at best. There is no discussion or analysis presented to support such conclusions. The fact that critical desert tortoise habitat would not be destroyed or damaged and current tortoise populations would be left whole under this alternative is not mentioned. There is no recognition that the entire desert pupfish population would not face extinction due to rail line construction and maintenance activities. The rail line runs directly over Salt Creek; a rail accident or construction on the trestle could significantly impact the pupfish. Any fuel or lubricants that leak from trains directly into Salt Creek or indirectly through runoff could be lethal. (Biological Opinion, 13-14.) Even though "[t]he Bureau shall ensure that a contingency plan will be in place" in case of an accident along the rail line, what this plan entails is unknown. (Biological Technical Report, 5-3.)

The inadequacy of the DEIR/EIS to accurately present the no action alternative is further compounded by the failure to analyze the quantity and quality of the habitat being offered by Proponents as mitigation. The fact that the land exchange and right-of-way will reactivate the rail line right through the middle of these offered lands is omitted. The DEIR/EIS merely describes the lands to be offered to BLM by Kaiser as "prime habitat for the federal and state listed threatened desert tortoise . . . and for other . . . sensitive animal and plant species." (DEIR/EIS 2-8.) Without adequate analysis, the Proponents claim of "high quality habitat for desert tortoise, desert pupfish, and other plant and wildlife species" (DEIR/EIS 4.7-13) is speculative at best and more likely self-serving advocacy. It fails to recognize that the project itself will alter the "prime habitat" nature of these lands due to admitted impacts from the truck and rail traffic that would bisect the Kaiser lands being offered as exchange. The entire no action alternative section (4.7-38) is speculative, disingenuous, and not supported by fact or analysis. The no action alternative is equally uninformative regarding the benefit to preserving

recreational opportunities, national park lands and BLM wilderness. (DEIR/EIS 1-58 and 4.11-14; see also discussion below at III (C).)

In sum, the DEIR/EIS is inadequate. It considers a false scenario that is not a "genuine" no action alternative because it inaccurately represents what would occur if the Eagle Mountain Landfill is not approved by the County. (County of Inyo, 71 Cal. App. at 203, 139 Cal. Rptr. at 408.) Moreover, the DEIR/EIS's analysis of the no action alternative is inadequate because "the EIR provides no information to the public to enable it to understand, evaluate, and respond to the bare assertion[s]" about the results of not approving the proposal. (Laurel Heights I, 47 Cal. 3d at 404, 253 Cal. Rptr. at 439.)

C. The DEIR/EIS Biases the Analysis Against Alternatives and in Favor of the Proposed Project by Assuming Without Support that Alternative Facilities Will be More Polluting

Where significant impacts are presented by a project such as this one, alternatives that would reduce those impacts can only be rejected if found to be infeasible. Public Resources Code Sections 21002, 21002.1, 21081; CEQA Guidelines Section 15091-15093. The DEIR/EIS concedes that air pollution impacts are significant even after mitigation. Yet feasible alternatives exist that could reduce air pollution impacts further, such as source reduction and recycling efforts. The infeasibility of these alternatives has not been adequately demonstrated in the DEIR/EIS.

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Instead, the DEIR/EIS focuses on alternative sites. The DEIR/EIS argues that those alternative sites will have greater pollution levels than the project as proposed, based on the unsupported assertion that landfills elsewhere will produce more pollution per ton of waste received than the proposed project. DEIR/EIS at 4.4-16. Indeed, the DEIR/EIS is internally inconsistent on this point when it concedes that projects proposed in Imperial County, San Bernardino County, and La Paz County, Arizona would have similar emissions. DEIR/EIS, Appendix E, at 1-34 ("Although the individual project emission estimates are somewhat different, the future actual emissions per ton of solid waste are similar for the various projects.") In fact, one of the alternative sites(La Paz), has significantly lower emissions rates than the project proposed at Eagle Mountain. DEIR/EIS, Appendix E, at 1-35,Table 1-14.

Yet for projects within the South Coast Air Basin the DEIR/EIS assumes dramatically higher emissions rates per ton than from the proposed project and on that basis rejects the no project alternative as well as other nearby sites.

The DEIR/EIS makes a vigorous argument concerning the need for new landfills in the Southern California area, concluding that new facilities will be necessary to avoid capacity shortfalls and meet anticipated disposal requirements. Yet, in analyzing the "No Action Alternative," the DEIR/EIS assumes that in the absence of the proposed project existing facilities will be utilized to meet this demand and that emissions will be higher than the project as proposed because these existing facilities use older, less controlled

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Response to Comment 26-4

Other landfill sites were eliminated from further consideration for reasons other than those stated in the comment. Please see General Response 2. The potential impacts of these other sites are summarized in Table 2-5 of the Draft EIS/EIR (pages 2-67 through 2-69).

The comment's characterization of the No Action alternative is not correct. Please see pages 4.4-15 and 14.4-16 of the Draft EIS/EIR, and Response to Comment 1-97. Under Assembly Bill 939, local jurisdictions in California are already under a legal mandate to achieve solid waste diversion goals of 25 percent by 1995 and 50 percent by 2000. As noted in the General Response 2, the discussion of Purpose and Need for this Project assumes that the state's ambitious source reduction and recycling goals will be achieved. Even under those assumptions, it was determined that the region still faces a need for medium- and long-term solid waste disposal capacity. Thus, this Project is proposed as a complement to source reduction and recycling efforts, not as an alternative to those measures.

The Draft EIS/EIR includes a detailed discussion of the No Action alternative, which assumes that Southern California's landfill needs will be contingent on the use of existing, expanded and new landfills (Appendix E, Part 5). As discussed in this section, the assumptions used to calculate emissions for this alternative are appropriate, reasonable, and accurate. The emissions associated with other proposed regional landfills are also discussed in detail in the Draft EIS/EIR (Appendix E, Part 8). The Draft EIS/EIR is not internally inconsistent. Although the emissions from these other projects are similar per ton of waste disposed, there are some significant differences. For example, both the proposed Project and the proposed Mesquite Landfill Project will use the same Southern Pacific rail route. However, trains hauling waste to the Eagle Mountain Landfill will have half the air impacts of the Mesquite landfill because of the extensive mitigation measures planned for the Eagle Mountain Project.

The La Paz Landfill would have lower emissions per ton of waste, except for oxides of nitrogen (NOx), which would be similar to the proposed Project. However, there are no limits on truck traffic for the La Paz project contained in the Environmental Assessment written by the BLM. Therefore, waste

equipment. DEIR/EIS 4.4-16. This assumption is unsupported and internally inconsistent with claims elsewhere in the DEIR/EIS that new facilities are necessary to meet demand.

To correct this deficiency, the DEIR/EIS must analyze the no action alternative based upon the assumption stated elsewhere in the DEIR/EIS, which is that there is unmet demand that will be met by new facilities with equipment controlled at levels comparable to the proposed facility.

The DEIR/EIS also indicates that air pollution impacts from the reduced volume and rail haul only alternatives would be less than those from the project as proposed. E.g., DEIR/EIS, Appendix E, Figures 1-4 through 1-8. As discussed above, under CEQA, this means that the alternatives must be found to be infeasible before they can be rejected. This justification has not been presented in the DEIR/EIS.

could be hauled by truck through the Coachella Valley to the La Paz Landfill site with no limits on the amount of waste hauled. This would result in significantly greater pollution impacts on the desert areas than either the proposed Project or the proposed Mesquite Landfill Project.

The comment states that the Draft EIS/EIR claims that new facilities are necessary to meet the demand for new landfill capacity. Although it could be inferred that new facilities would be the most appropriate choice to meet the increase in need for additional capacity, the Draft EIS/EIR outlines the need for additional capacity, not for new facilities. Expansion of existing landfills and the potential remaining lifetime of these existing landfills could imply that new facilities will be needed to meet demand in the long term; however, it is difficult to make assumptions as to how this demand will be met. Therefore, the Draft EIS/EIR provides an analysis of the emission impacts of expanding existing landfills and the emission impacts from other proposed regional projects. The assumptions used for the expansion of existing landfills would include the use of existing equipment and landfill operations. Obviously, emissions would be higher when using older, less controlled existing onsite vehicles and landfill gas flares.

D. The DEIR/EIS Piecemeals the Project Description by Excluding Future Energy Recovery Facilities

The DEIR/EIS indicates that: "If the landfill gas generation rate exceeds 10 million cubic feet per day, either an energy recovery system should be installed to replace the flares, or the flares should be equipped with oxidation catalysts." (DEIR/EIS, Appendix E at 4-31.) Yet landfill gas generation rates substantially in excess of these
5 levels are predicted and a future energy recovery facility burning landfill gas is a foreseeable future phase of the project that must be analyzed now. There are a relatively limited number of potential energy recovery techniques (gas turbine, internal combustion engine, etc.) and even though the precise technology may not have been selected, the impacts of the most likely options could reasonably be analyzed now. Many of these technologies can increase emissions of certain pollutants in relation to landfill flares, particularly NOx. (AP-42 Table 2.4-4, at page 2.4-10 (Nox emissions increased approximately seven fold when internal combustion engine replaces a flare).) The failure to evaluate this anticipated future project phase impermissibly piecemeals the project description.

II. THE DEIR/EIS IS INADEQUATE BECAUSE IT FAILS TO INFORM THE DECISION MAKERS AND THE PUBLIC ABOUT THE NEED FOR THE PROJECT AND THE TRUE ENVIRONMENTAL CONSEQUENCES OF REJECTING THE PROJECT.

6 Under CEQA, an EIR must objectively disclose the environmental consequences of project approval to both decision makers and the general public. (Laurel Heights I, 47 Cal.3d at 405, 253 Cal.Rptr. at 439.) It cannot become a "document of advocacy," designed to tout a proposed project's benefits rather than to objectively evaluate its merits. (San Joaquin Raptor Center, 27 Cal. App. 4th at 738, 32 Cal. Rptr. 2d at 719.)

In this instance, the DEIR/EIS fails to fulfill its role as an informational document by providing inadequate and patently inaccurate information about a fundamental issue: the "need" for the additional landfill capacity in Southern California that this project is designed to meet. It is that need which defines the rationale for this project and also frames the complex relationship between the Eagle Mountain Eagle Mountain Landfill and the other regional landfill projects competing to meet that same need. Without better information, the DEIR/EIS cannot inform decision makers about whether the benefits of the project outweigh its environmental drawbacks. Nor does it afford the public the basis to independently judge the wisdom of the decision makers' action. (Laurel Heights I, 47 Cal. 3d at 405, 253 Cal. Rptr. at 439.)

Response to Comment 26-5

The comment is incorrect. The recovery facility is a mitigation measure, and its effects are analyzed in the Draft EIS/EIR (Appendix E, Part 4.6.2.3). As discussed in the Draft EIS/EIR, each of the energy recovery systems analyzed (i.e., gas turbine power plant, gas compression system, gas liquefication system) had emissions lower than the levels associated with landfill gas flares. Consequently, the air quality impacts associated with possible future energy recovery systems would be lower than those shown in the Draft EIS/EIR for landfill gas flares. The AP-42 NOx emission levels cited by the commenter are for reciprocating internal combustion engines. When equipped with a Selective Catalytic Recovery (SCR) system, NOx emissions for these types of engines can be controlled to levels lower than those for landfill gas flares. These types of engines were not included in the list of possible future energy recovery systems in the Draft EIS/EIR because these types of engines are not as feasible financially when compared with gas turbines.

Response to Comment 26-6

Please see General Response 1, which discusses the purpose and need for the Project.

A. **The DEIR/EIS Provides an Inadequate, Misleading and Inconsistent Description of the Need for Additional Landfill Space in Southern California and the Other Landfill Projects That Are Currently Competing to Satisfy That Need.**

As the DEIR/EIS recognizes, the landfill will have adverse effects on the environment; therefore, a fundamental issue before the Planning Commission and Supervisors is whether there is any real need for this additional landfill capacity that might justify those adverse effects. The DEIR/EIS never squarely addresses the question.

7

The DEIR/EIS provides scant information about the projected waste stream in Southern California and the existing landfill capacity. (DEIR/EIS1-20 - 1-24.) After providing this listing of various probable scenarios using terms like "*could*" and "the amount of waste, *if any*, that will be hauled to remote landfills in the short term is difficult to estimate," the DEIR/EIS concludes without substantial evidence that there is a 'need' "if no new capacity is obtained through re-permitting or expansion of existing landfills or the development of new landfill capacity". (DEIR/EIS 1-24; emphasis added.) Moreover, this meager information is presented in a vacuum, as if Southern California cities must choose between their own facilities and the Eagle Mountain Landfill. The DEIR/EIS ignores the numerous other proposed regional landfill projects that are vying to meet the same need. Indeed, this discussion ignores the effects of the Bolo Station and Mesquite regional projects, even though both are also seeking to haul about 20,000 tons per day of Southern California's garbage into the desert for disposal.

Shifting depictions of Southern California's landfill needs and the competition for that waste stream cannot all be true No evidence is provided to support the following subjective reasoning. "For the following reasons, more than one site *could* be developed to:

(1) ensure competitive disposal pricing,
(2) provide redundancy in the instance that one facility must prematurely or temporarily close

(3) provide excess disposal capacity to ensure adequate capacity in the event of natural disaster and other emergencies resulting in the creation of additional demand for disposal capacity, and
(4) ensure competition by more than one rail line and to facilitate competitive pricing for waste transport." (emphasis added DEIR/EIS 1-31)

These assertions are not sufficient. Where is the evidence this project will ensure competitive pricing? What natural disasters? Depending on what "natural disaster", how will Eagle Mountain necessarily become the landfill of choice? It is well established that "[t]o facilitate CEQA's informational role, the DEIR/EIS must contain facts and analysis, not just the agency's bare conclusions or opinions.'" (Laurel Heights I, 47 Cal. 3d at 405, 253 Cal. Rptr. at 439 (quoting Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn., 42 Cal. 3d 929, 935, 231 Cal. Rptr. 748, 751 (1986).) The DEIR/EIS must provide sufficient information to enable the public "to understand, evaluate, and respond to the bare assertion[s]." (Id.) This is especially important when, as here, the DEIR/EIS's bare assertions contradict one another. The "key issue" is whether the DEIR/EIS "foster[s] informed decision making and informed public participation.'" (Id (quoting CEQA Guidelines § 15126(d)(5)) (emphasis in Laurel Heights I).)

Response to Comment 26-7

Please see General Response 1 and Response to Comment 26-4.

Accordingly, the DEIR/EIS must provide sufficient information about landfill needs in Southern California and the relationship between the Eagle Mountain Landfill and the other competing landfill projects to show the big picture. Without this information, the public and the decision makers cannot evaluate and respond to the DEIR/EIS's contradictory and self-serving assertions. (See id.) Indeed, as explained below, the DEIR/EIS's failure to candidly explore these issues leaves the public and the decision makers ignorant about a fundamental question: whether the environmental consequences of approving the project would be worse than the environmental consequences of rejecting it.

III. THE DEIR/EIS DOES NOT SATISFY CEQA'S MANDATE TO FULLY ANALYZE THE EAGLE MOUNTAIN LANDFILL'S ENVIRONMENTAL CONSEQUENCES.

8 The DEIR/EIS's discussion and assessment of the Eagle Mountain Landfill's environmental consequences is inadequate in four key areas: the effects of the project on the imperiled desert tortoise that inhabits the site and its immediate surroundings; the impacts on Joshua Tree National Preserve and BLM wilderness lands; and impacts on air quality. In each case, the defects in the DEIR/EIS allow important environmental concerns to be swept under the rug.

Response to Comment 26-8

It is the determination of the lead agencies that the Draft EIS/EIR adequately addresses impacts to these key resources. Regarding the desert tortoise, the commenter is referred to General Response 6. Impacts to JTNP are addressed in General Response 3. Air quality is addressed in General Response 7. Critical habitat for desert tortoises and the USFWS recovery plan are addressed in the Draft EIS/EIR in Appendix G, which is a part of the EIS/EIR.

A. The DEIR/EIS Fails to Adequately Evaluate the Eagle Mountain Landfill's Effects on the Threatened Desert Tortoise and its Critical Habitat That is Damaged or Destroyed by the Project.

Critical habitat for the desert tortoise -- a species recognized by the state and federal governments to be threatened with extinction -- is bisected by both the proposed rail line right-of-way and road right-of-way, and is next door to the Eagle Mountain Landfill. For all species listed by the United States Fish and Wildlife Service ("FWS") as threatened or endangered, FWS also identifies critical habitat in the form of specific areas that have physical or biological features essential to the species' survival and that therefore may require special management. (16 U.S.C. § 1532(5)(A)(i).) The FWS also issues a "recovery plan" consisting of management steps designed to halt and reverse the species' decline. 16 U.S.C. § 1533(f). In the "Desert Tortoise (Mojave Population) Recovery Plan" ("Recovery Plan"), issued in June 1994, the FWS describes those actions that it deems necessary to save the desert tortoise.

As the Recovery Plan acknowledges, landfills pose a variety of threats to tortoises, from attracting ravens that hunt them (a leading cause of the species' decline) to generating noise levels that deafen them. (Recovery Plan at 6-7, D9, D38-39.) The effects of ravens and noise do not stop at a landfill's fence line, but may spill over from a landfill site to affect tortoises and their use of proximate critical habitat. (See, e.g., id. at D38 (vehicle sounds may travel great distances).) To understand whether a proposed landfill may therefore have significant effects on tortoises, it is important to consider both whether any designated critical habitat exists nearby as well as the consistency of spillover effects with the FWS' management prescriptions for the species. The DEIR/EIS does neither adequately, because it basically conceals the existence of critical habitat affected by burying evidence of it in the project appendices and ignoring the Recovery Plan completely.

1. The DEIR/EIS Must Describe Tortoise Habitat in the Project's Vicinity and Discuss the Landfill's Inconsistencies with Existing Plans To Protect the Tortoise.

Environmental harm to imperiled species and their habitat is a particular concern under CEQA. The statute requires every agency preparing an EIR to consult with the California Department of Fish and Game ("CDFG") regarding a proposed project's impact on the continued existence of any endangered or threatened species. Pub. Res. Code § 21104.2. A finding of significant impact is mandatory when a proposed project has the potential to substantially reduce habitat, reduce the number, or restrict the range of a rare or endangered species. CEQA Guidelines § 15065(a). In addition, "[a] project will normally have a significant effect on the environment if it will . . . [s]ubstantially affect a rare or endangered species . . . or the habitat of the species." (CEQA Guidelines, Appendix G(c); see Quail Botanical Gardens Foundation, Inc. v. City of Encinitas, 29 Cal. App. 4th 1597, 1604, 35 Cal. Rptr. 2d 470, 475 (1994) (impacts listed in CEQA Guidelines Appendix G are presumptively significant).)

CEQA's concern for endangered species and their habitats extends beyond a project's boundaries to encompass its broader environmental setting. "An EIR must include a description of the environment in the vicinity of the project. . . ." (CEQA Guidelines § 15125 (emphasis added).) A description of that setting is required because "[k]nowledge of the regional setting is critical to the assessment of environmental impacts." (CEQA Guidelines § 15125(a) (emphasis added).) Thus, if important habitat in the area surrounding a project is inadequately considered, it is "'impossible for the [DEIR/EIS] to accurately assess the impacts the project will have on wildlife and wildlife habitat or to determine appropriate mitigation measures for those impacts.'" (San Joaquin Raptor Center, 27 Cal. App. 4th at 722, 32 Cal. Rptr. 2d at 709 (citation omitted).)

The environmental setting discussion also must disclose any inconsistencies between the proposed project and applicable "regional plans." (CEQA Guidelines § 15125(b).) This discussion enables reviewers to check the lead agency's identification of significant effects, and helps the lead agency modify the project to reduce inconsistencies with other agencies' plans. (CEQA Guidelines § 15125 (comment).) The Recovery Plan for the desert tortoise, which lives on the landfill site and surrounding land, is an applicable plan in this case.

2. The DEIR/EIS's Failure to Mention Either Already-Designated Critical Habitat in the Eagle Mountain Landfill's Backyard or the Previously-Issued Recovery Plan Render the DEIR/EIS Inadequate as a Matter of Law.

9 Critical tortoise habitat had already been designated, and the Recovery Plan published, when the DEIR/EIS was issued. The FWS designated critical habitat for the desert tortoise in February 1994. (59 Fed. Reg. 5820 (February 8, 1994).) On June 28, 1994, FWS approved the Recovery Plan for the species., In addition, the County had been advised early on of the need to identify adjacent critical habitat in the DEIR/EIS. CDFG recommended on October 23, 1992, that the then Final EIR was inadequate , that the ..."project has the potential to cause "take" of listed species." (Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Eagle Mountain Landfill Project, October 23, 2992). Thus, the County had ample warning to include a discussion of critical habitat and the Recovery Plan in the DEIR/EIS. Further, BLM has failed to request a new biological opinion analyzing how the Project will impact conservation measures in the designated habitat.

The DEIR/EIS and accompanying Technical Appendices also fail to evaluate project impacts on the conservation of designated critical habitat. The principle objectives of the Biological Technical Report is "to provide supplemental information . . . to update the status of the desert tortoise . . . to identify additional measures that would help reduce impacts to desert tortoises, other special-status species, and the affected environment; and [ ] to discuss new applicable programmatic federal plans that regulate aspects of the proposed project" in the Project area. (Biological Technical Report, iii.) Yet the Report entirely fails to address the critical habitat issue.

9

Response to Comment 26-9

Please see the Response to Comment 26-8. Please see also General Response 6.

Such a discussion is crucial to assessing the Eagle Mountain Landfill's significant impacts because critical habitat for the desert tortoise will be destroyed with the Eagle Mountain Road right-of-way and the issuance of the railroad right-of-way. Spill-over effects from the landfill itself will also harm the critical habitat which lies immediately to the west and south of the landfill project area. This federally designated habitat is omitted from the land uses maps in Section 3.5. Instead the information is buried in the Technical Appendix II Figure F, a bare map that shows "critical habitat" but fails to explain the significance of such a designation under the ESA. To add insult to injury, these documents were not made readily available to the public for review. The Land Use Section 3.5 ignores the critical habitat completely, yet takes the trouble to describe the Marine Corps Air Ground Combat Center—Twentynine Palms "directly north of the northern boundary of JTNP". (DEIR/EIS 3.5-14) Incredibly, the DEIR/EIS's discussion of surrounding land uses refers to uses north, southeast and west of the site, without once disclosing the critical habitat on the west and south side of the project. (DEIR/EIS 3.5.2.)

The DEIR/EIS offers a limited description of the site's impact on critical habitat in Section 3.7, Biological Resources. "The Eagle Mountain Railroad and parts of Eagle Mountain Road cut through the Chuckwalla Unit of Critical Habitat for desert tortoise." (DEIR/EIS 3.7-22) Rather than acknowledging the existence of the project's direct take of critical habitat, the DEIR/EIS launches into a three page discussion of BLM's decade old, 1980 California Desert Conservation Area Plan (CDCA Plan) and its lexicon for various land use categories including Areas of Critical Environmental Concern. (DEIR/EIS3.5-16) As a result, "the specific location and extent of the critical habitat is not fully discussed in the DEIR/EIS." (San Joaquin Raptor Center, 27 Cal. App. 4th at 726, 32 Cal. Rptr. 2d at 711.) In San Joaquin Raptor Center, the EIR's description of the environmental setting suggested that a proposed housing development site was surrounded by farmland, when in fact a wetland wildlife preserve was located across the river and the development's site itself may have contained wetlands. (Id. at 710, 724-5.)

Mention of the Recovery Plan is also absent from the DEIR/EIS, even the section entitled "Land Use Plans and Polices 3.5-3" fails to mention the Recovery Plan. By contrast, the DEIR/EIS discusses the BLM's CDCA Plan and identifies land use amendments to that plan necessitated by the landfill portion of the project. (DEIR/EIS 3.5-17.) The DEIR/EIS fails to mention, however, that the Management Plan for the Chuckawalla ACEC requires the BLM to approach management of the area with an "ecosystem" approach and a philosophy "to promote and protect the wildlife and vegetation resources within the ACEC." Vehicle access is to be limited with much of the area designated as Class "L" (limited use). There is no mention as to how granting approvals for this project can be squared with this management plan[1]. Like the failure to disclose nearby critical habitat, the DEIR/EIS's complete failure to discuss the project's

[1]. The DEIR/EIS should likewise address how granting approvals for this landfill can be squared with the Recovery Plan's strategy to protect essential tortoise habitat from ravens associated with landfills, for example. Recovery Plan at 61, (concerning raven use of authorized landfills located near Desert Wildlife Management Areas within critical habitat). See discussion below at III (A) (3) (c).

potential conflicts with the Recovery Plan renders the DEIR/EIS inadequate as a matter of law. (CEQA Guidelines § 15125(b).)

3. The DEIR/EIS's Failure to Identify Nearby Critical Habitat Precludes Understanding and Adequate Consideration of Significant Impacts.

By avoiding identification of nearby critical habitat, the DEIR/EIS prevents adequate consideration of how the project may intrude upon and diminish this habitat in at least three respects: project-induced noise, litter, and increases in ravens and seagulls attracted to the area. That is sufficient to violate CEQA. (San Joaquin Raptor Center 27 Cal. App. 4th at 725, 32 Cal. Rptr. 2d at 711 (avoiding identification of nearby preserve rendered EIR deficient because the omission prevented consideration of a project's effects on migratory bird habitat provided by the preserve).) Further, it is not clear how the Secretary of Interior will harmonize the duties and responsibilities required under the Fish and Wildlife Coordination Act with approval of this land exchange and right-of-way.

10

a. The DEIR/EIS Fails to Analyze Vehicle and Equipment Noise Impacts on the Desert Tortoise and Its Critical Habitat, and Inaccurately Analyzes Train and Road Noise Impacts.

Human-induced noise may affect desert tortoise survival and reproduction. First, low-frequency noises from trains, heavy equipment or vehicles can travel great distances across the desert and may mask desert tortoise sounds of similar frequency that are part of courting and mating behavior. Second, high levels of noise and vibration from the same sources can damage tortoise's hearing apparatus. Third, vibrations can drive tortoises from the safety of their burrows. (Recovery Plan at D38-39) Therefore, a project that would create sustained truck and train noise for a long period of time and continuous on-site activity in and near critically designated tortoise habitat may substantially affect the species and its habitat. Because the tortoise is threatened, such impacts would be significant for purposes of CEQA. (CEQA Guidelines Appendix G (c).) This DEIR/EIS, however, deems noise impacts on tortoises insignificant without basis in fact or law.

Numerous sightings of desert tortoises and their burrows have occurred along the Eagle Mountain Road, the proposed road extension, and the Eagle Mountain Rail Line. (Biological Technical Report, 5-9.) The rail line is currently inactive. The traffic on Eagle Mountain Road is extremely light (up to 32 vehicles per day to the point where the aqueduct is located) and virtually nonexistent on the upper, dirt portion. (DEIR/EIS, 3.3-11.) The Proponents plan to expand the road to 40 pave feet and allow 200 truck trips per day, or one truck every four minutes if all trips are made during daylight hours. (Biological Opinion, 9.)

The DEIR/EIS errs first by ignoring noise from sources that the Recovery Plan indicates could potentially affect tortoises. The DEIR/EIS asserts incorrectly (4.13-1)

Response to Comment 26-10

Noise impacts to tortoises are acknowledged in the Draft EIS/EIR on page 4.13-35 and page 4.7-5 of the Draft EIS/EIR. Mitigation measures described on pages 4.7-20 through 4.7-28 address all sources of potential impacts to Desert tortoises, including impacts related to train traffic. Fencing was considered in the USFWS Biological Opinion, but was determined not to be required for the entire length of the railroad.

that neither NEPA nor CEQA addresses significance standards for noise impacts and as such does not even consider noise impacts on the tortoise, wildlife species, national parks or wilderness (3.13-2). For example, the impacts of continuous truck traffic cutting through critical habitat, on going construction activity, and use of bulldozers and compactors are not considered. The noise impacts from the town and increased rail traffic also are not considered. The noise from the "ancillary landfill facilities" is not considered. Thus, the project involves precisely those noise sources that the Recovery Plan lists as potentially damaging. (Recovery Plan at D39) Omitting this basic information about the ways that nearly every aspect of the project's operation and construction could diminish the quality of critical habitat "renders the EIR inadequate as an informational document." (San Joaquin Raptor Center, 27 Cal. App. 4th at 729, 32 Cal. Rptr. 2d at 713.)

Without clearly stating the impacts, the Technical Appendix (5-6) merely discloses, "Tortoises adjacent to the tracks may be subject to increased stress due to noise and vibration of passing trains. The Bureau shall ensure that a long-term desert tortoise monitoring program shall be instituted that will monitor changes in the populations as the Project proceeds." Monitoring is not mitigation. Further, after-the-fact monitoring does not disclose and inform the public regarding the impacts to the species. There is no mention here, as there has been in other regional landfill environmental impact reports (See Mesquite Technical Appendix D), that train noise could deafen tortoises and disrupt courting and mating behavior despite the fact the these same points were raised and subsequently not addressed in the previous Eagle Mountain Landfill Project. (See Dr. Robert Stebbins Comment on FEIR Eagle Mountain, August 21, 1992, Shute, Mihaly & Weinberger). Further there is no discussion or analysis provided as to why tortoise fencing is not considered for the entire length of the railroad as a way to further avoid impacts.

Because the DEIR/EIS fails to acknowledge noise as a significant impact on the tortoise, it does not adopt potential noise mitigation measures such as noise berms. Nor does it consider modifications to the size, design, or location of the project that might reduce or avoid these impacts

b. The DEIR/EIS Precludes Understanding of the Significance of Windblown Litter Impacts on the Desert Tortoise and Its Habitat.

11 Litter blown from the landfill by wind poses a danger to tortoises. The Recovery Plan identifies the presence of windblown litter as an adverse habitat alteration because it "can become lodged in the [tortoise's] gastrointestinal tract or entangle heads and legs, causing death." (Recovery Plan at D11 (in section discussing habitat alterations).) The DEIR/EIS does not discuss this impact. DEIR/EIS readers cannot understand the significance of escaping litter that could be fatal to tortoises -- whatever the quantity -- without knowing that desert tortoise critical habitat neighbors the landfill and that litter is a serious threat to the species.

c. The DEIR/EIS Precludes Understanding of the Significance of Seagull and Raven Impacts on the Desert Tortoise and Its Habitat.

12 The DEIR/EIS readily admits Ravens feed on juvenile tortoises and "the organic materials exposed along the active face of landfills" and often raid tortoise nests. (DEIR/EIS 4.7-7 and 4.5.) The DEIR/EIS notes the ravens will be attracted to the sewage ponds, dump site, town site food sources and that they were "seen following behind trains near Nipton and Kelso possibly feeding on spilled grain or foraging for railroad kills"(DEIR/EIS 4.7-7) The DEIR/EIS also states that ravens would be among the predators "attracted to the landfill site in response to garbage residue, lights, increased perch sites, road kills, standing water and windblown refuse". (Id.) The DEIR/EIS fails to provide substantial evidence to answer the central question as to whether the ravens attracted by the landfill but frustrated in their efforts to forage there will end up hunting young tortoises in the critical habitat that begins on either side of the access road, railroad or just across the highway. Because the DEIR/EIS never mentions the existence of critical habitat nearby, its conclusions about those ravens' possible impacts on tortoises located far away from the site do not answer the relevant question. Furthermore, the proximity of the Salton Sea and seagull population raises the high probability that seagull predation could affect tortoise mortality. This is not addressed in the DEIR/EIS.

B. <u>The DEIR/EIS Fails to Adequately Disclose or Discuss Impacts to Joshua Tree National Park (JTNP) Lands and BLM Wilderness Lands.</u>

13 Joshua Tree is afforded National Park Status. It is not only a national treasure, but has been recognized by the United Nations as an International Biosphere Reserve. The National Park Service Organic Act requires the Secretary of Interior to "preserve and protect" all national park lands. The DEIR/EIS must evaluate and disclose impacts to <u>all</u> the adjacent national park lands and not artificially limit this discussion to just park wilderness lands. Park status is in fact expressly enumerated as a relevant factor under Council on Environmental Quality's ("CEQ") discussion of "significance," which indicates that "unique characteristics of the geographic area such as proximity to historic or cultural resources, [and] park lands," must be considered in evaluating impact significance. (See 40 C.F.R Section 1508.20(b) (3).)

The DEIR/EIS must address the various categories of JTNP lands and how they will be impacted by the proposed project. This should not be limited to just "wilderness" lands. The NPS Organic Act affords special status to these resources; as such any physical changes to these lands can lead to a significant impact and a failure on the part of the Secretary to carry out Congressionally mandated objectives to preserve and protect these resources. The entire wilderness park discussion misses the mark. Protection of all

Response to Comment 26-11

Please see General Responses 3 and 6 regarding litter control measures.

Response to Comment 26-12

Please see General Responses 3 and 6 regarding litter control measures. The trains and truck will transport waste to the site in enclosed containers. The litter control measures designed to reduce raven populations will also prevent seagulls from being attracted to the Project.

Response to Comment 26-13

See General Response 3. The Draft EIS/EIR discusses in great detail both the JTNP and the BLM wilderness lands. An entire section of the document (Sections 3.11 and 4.11) focuses specifically on JTNP and BLM wilderness. JTNP and adjacent lands are also discussed throughout various sections of the document as issues pertain to those resources. For example, visual and recreational issues (Sections 4.10 and 4.10 of the Draft EIS/EIR) discuss these resources in the context of adjacent park use.

With the passage of the California Desert Protection Act, the acreage of the redesignated JTNP was increased to approximately 794,000 acres. Because the majority of this land is designated as wilderness, the Draft EIS/EIR discusses it in this context. References to JTNP throughout the document

these lands in their natural state is the mandate. The Redwood National Park Expansion Act of 1978 is even clearer with regard to the management mandate:

> "Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the national park System...shall be consistent with and founded in the purpose established by [the Organic Act], to the common benefit of all the people of the United States. The authorization of activities [in the Organic Act] shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress."

There is no requirement that these lands be used. Thus the percentage of visitors is irrelevant. The value of these natural resources is not measured based on the number of visitors who use or visit a particular resource.[2] The DEIR/EIS must disclose the natural resources and values of these park lands and how they would be affected.

[2] The wilderness experience, however, is quantifiable through a contingent valuation method. See, e.g., "Measuring the Economic Benefits of Removing Dams and Restoring the Elwha River: Results of a contingent Valuation Survey," by John B. Loomis (Colorado State University, 1995).

14

refer to the entire park, not just to designated wilderness areas. Thus, in evaluating potential impacts on JTNP, the EIS/EIR does consider the Project's proximity to all JTNP park lands, not just wilderness lands. This approach conforms to the CEQ definition cited by the commenter (40 CFR § 1508.27), which states that proximity to "park lands" must be considered in determining whether a proposed action "significantly" affects the human environment. It should be noted, however, that the CEQ's definition of "significantly" is intended to be used by federal agencies in making the threshold determination of whether to prepare an EIS under NEPA. (Please refer to BLM NEPA Handbook, p. IV-5). This definition is not primarily intended to provide the basis for impact-by-impact findings of significance or insignificance, which are required under CEQA but not under NEPA. As a result, the definition of "significantly" in the CEO regulations does not necessarily determine the impact-by-impact significance thresholds that are used for purposes of compliance with CEQA.

The comment includes a quote from the Redwood National Park Expansion Act of 1978. This act amends the General Authorities Act of 1970, and the quoted text is already in the Draft EIS/EIR on page 3.11-18.

The Draft EIS/EIR addresses the categories of land use and the physical setting of wilderness (both for BLM and JTNP) in detail in Section 3.11, Wilderness. In Section 3.11.5.1 (pages 3.11-8 to 3.11-12), the four categories of land use zoning—Natural, Development, Historic, and Private Development--are discussed. The draft rezoning of JTNP (pending the completion of the JTNP in-progress Backcountry and Wilderness Management Plan) is shown in Figure 3.11-9, JTNP Proposed Visitor Experience/Resource Protection Zones.

Section 3.11.7.3 (pages 3.11-24 to 3.11.-31) of the EIS/EIR is devoted to a discussion of NPS and JTNP management documents and includes a detailed discussion of the NPS land management framework. This framework includes a description of Natural Zones, Cultural Zones, Park Development Zones, and Special Use Zones. This section (pages 3.11-26 and 3.11-27) also presents a definition of the various types of special land use designations at national park lands, including Research Natural Areas, National Wild and Scenic Rivers, National Natural Landmarks, and Biosphere Reserves. In addition, the text discusses the specific application of these

NPS principles in the context of JTNP by summarizing the JTNP General Management Plan (1995) and the ongoing planning process for the JTNP backcountry management plan and wilderness zoning, including the zoning of Backcountry Transition, Wilderness Zone, Primitive Wilderness, and Sensitive Resource Protection Zone.

Although the Draft EIS/EIR does not assign different values to visitors' wilderness experiences (see Response to Comment 1-127), both the NPS and the BLM recognize that certain methodologies, such as that used for visual resources, do consider the number of visitors as a factor in assigning classifications for assessing impacts. For example, the characteristics of potentially affected viewer groups is important to a comprehensive understanding of visual impacts. The visual analysis systems used by the BLM in the preparation of this EIS/EIR is one of the three most widely accepted and used methodologies for evaluation of project visual impacts. The relevant characteristics of a viewer group includes the number of viewers, viewer location, duration of a view, viewer's activity, expectations, and values. The nature of wilderness areas and their low level of use but high user expectations needs to be accounted for in the analysis.

The NPS also uses visitor use frequency information to make decisions using its Visitor Experience Resource Protection (VERP) process and in preparing the Backcountry and Wilderness Management Plan for JTNP. The VERP process is an approach used by NPS to design park use management policies that are based on information obtained from visitor perceptions of park uses. At JTNP, park managers will use variables such as "the number of social trails and the sighting of visitors will be used as quality indicators" to verify VERP standards and to establish management policies for management zones (JTNP, *Task Directive, Preparation of the JTNP Backcountry/ Wilderness Management Plan,* January 1995). JTNP staff recommend that the wilderness be split into "two distinct planning zones" to "differentiate...between the visitor experience one might receive deep in the Coxcomb Mountains as compared with the experience within 300 yards of Highway 62." (JTNP, Task Directive, 1995)

In reference to the quantifiable nature of the wilderness experience, it is recognized that there are a variety of contingent valuation methodologies that try to measure the more intangible aspects, such as peace and solitude. In

the process of preparing the Draft EIS/EIR, NPS was consulted to provide input on: (1) defining the intangible aspects of the wilderness experience, and (2) developing criteria against which to assess these intangible, individual experiences with wilderness. At several meetings, NPS stated that a wilderness experience could mean different things to different people, and that standardized objective measures would not capture an individual's personal experience. To accommodate that concern, the EIS/EIR recognizes that there is no meaningful quantitative way in which to measure the impacts to the wilderness experience of a collective population, particularly because it is conceivable that some of the individuals in that population could have an impact to their experience by just knowing that a particular project is proposed adjacent to JTNP. As noted in the Draft EIS/EIR (page 1-41, Section 1.6, Impacts that Cannot be Mitigated), impacts to the wilderness experience are considered a significant impact that cannot be mitigated.

The DEIR/EIS does not demonstrate a knowledge as to how desert ecosystems operate and how diffuse off-site impacts will be. Mitigation and monitoring are extremely difficult. The DEIR/EIS does not deal with the "Ice Cream Effect" or "Oasis Effect." This refers to the potential of the landfill to attract a number of small mammals and other vectors, which in turn attract larger predators and so on through the food chain. This is an artificial enrichment of the ecosystem and has diffuse impacts. The EIR/EIS purports to deal with this under the discussion of "eutrophication," but does not deal with it at all. 14

Further, the nature of the desert environment calls for a different kind of monitoring than that which would take place in other temperate ecosystems. The woody desert plants appear to be resilient but damage can show up suddenly after it is too late to mitigate. Disturbances persist in the desert longer than in other ecosystems. The invasion of non-native plants can have a more devastating effect, including increased risk of fire and change in biota that is/becomes dependent on those plants. These changes can occur slowly and almost imperceptibly before permanent damage and change results.

Potential geomorphological impacts also are not dealt with adequately. First of all, the old mining pit is only about 10% of the landfill footprint. Much of the proposed landfill is on slopes. The Chuckwalla basin, similar to other alluvial basins in the Basin and Range area, is most likely Holocene – very recent and still in flux. There is a continual movement of material downslope. The proposed final cover is to consist of course rock gravel, sand and clay. By alluvial processes this material will slide, even during the life of the Project, down to the ironwood stands. This effect is not dealt with at all. Equally this impact on adjacent national park resources is absent. 15

Response to Comment 26-14

Please see General Response 6. An overview of important factors affecting desert ecosystem function in the Project region is provided in Section 3.7.4. Additionally, the potential for the Project to enhance vertebrate populations that could exploit potential increases in food resources at the landfill is discussed in Section 4.7.4. That section also includes a discussion includes potential impacts from atmospheric nitrogen deposition, which was identified by the NPS during scoping as an issue of concern with respect to eutrophication. The discussion of increased vertebrates attracted to the project, as discussed in Section 4.7.4, was not intended to address eutrophication, as suggested by the comment; rather, it was addressed as part of the discussion of ecosystem impacts. The Mitigation Monitoring and Reporting Program in Appendix M incorporates measures to monitor ecosystem changes. Additional research funds will be available through the Environmental Trust.

Response to Comment 26-15

Extensive geologic studies of the site have been completed (see the Draft EIS/EIR Section 3.9). The results of the studies indicate that active faulting (i.e., Holocene) has not occurred within 200 feet of the landfill site.

The final cover of the Eagle Mountain Landfill has been engineered to meet, and in some cases exceed, the applicable design standards and regulations. Static and seismic stability of the final cover have been evaluated. Minimum factors of safety against sliding have been achieved. The slope stability analysis for the proposed site is described in Section 4.9 of the EIS/EIR and Section 8 of the ROWD (GeoSyntec, 1992) and Supplemental Volume 2 (GeoSyntec 1993b). Also, surface water on the final cover will be controlled through a series of detention basins, berms, ditches, channels, and downchutes to minimize erosion of the final cover.

A routine inspection and maintenance program (i.e., postclosure maintenance) to, among other tasks, repair eroded areas, will be implemented. The post-closure activities are described in Section 2.1.9 of the Draft EIS/EIR and Section 12 of the ROWD (GeoSyntec, 1992). Concerning geomorphological impacts, the Draft EIS/EIR adequately address drainage issues in Section 4.6.2 of the Draft EIS/EIR.

D. The DEIR/EIS Fails to Adequately Disclose or Discuss Impacts to Designated BLM Wilderness Lands

a Contrary to the DEIR/EIS assertion in Section 3.11.1, wilderness, as both a physical resource and a congressional designation, must be addressed under NEPA. The CEQ regulations make clear that the significance of an impact depends, among other things, on the context in which the impact occurs. (CEQA Guidelines Section 15125 40 C.F.R. Section 1508.20(b) (3)) Here, where some of the resources being affected are

b within designated wilderness areas, the context for the impacts on these resources is different than that for otherwise similar impacts on resources not classified as wilderness. Thus the DEIR/EIS incorrectly presents, for example, the increase in noise or night glare

16 as insignificant. The Secretary is required to manage these wilderness lands so as "preserve its natural conditions" and the Wilderness Act mandates that wilderness areas

c be administered "in such manner as will leave them unimpaired for future use and enjoyment." The DEIR/EIS fails to mention this mandate.

d The DEIR/EIS also fails to accurately describe the impacts of issuing the railroad right-of-way right through the Chuckwalla Mountains WSA and adjacent to the Mecca Hills and Orocopia Mountains WSA's . These wilderness areas are not "approximately 15 miles east of the project site" (DEIR 3.11-4) They may be 15 miles from the landfill site but they are not 15 miles from the proposed right-of-ways. As such, the DEIR/EIS fails to adequately disclose the impacts to these areas from reactivating 12 trips daily through and near these wilderness areas. Also absent from the DEIR/EIS is a description of the number and variety of plant species that exist, the existing cultural and natural resources that are present, the various qualities that make this setting unique and that qualified the areas as wilderness, and a detailed discussion of the impacts to these BLM resources from the proposed action.[3]

[3] The DEIR/EIS discussion in 3.11.6.5 and 3.11.7 and 3.11.7.1 are irrelevant and fails to accurately reflect the true language of the California Desert Protection Act. Only BLM wilderness is covered by Title I's no buffer zone provision. Further the discussion it is irrelevant because both CEQA and NEPA require a full discussion and disclosure of impacts to these areas and in the event of significant impact the Lead Agency is required to select the least environmentally harmful alternative.

15

Response to Comment 26-16

(a) The EIS/EIR contains a full discussion and disclosure of potential impacts to wilderness lands in Sections 4.5, 4.10, and 4.11.

(b) See General Response 3 and Response to Comment 1-127.

(c) Provisions of the Wilderness Act directly related to the question of potential wilderness impacts are discussed throughout the EIS/EIR, particularly in Sections 3.11.3, 3.11.4, 3.11.6, and 4.11.

(d) Section 3.11 and 4.11, Wilderness, are presented in the EIS/EIR as separate discussions to provide a focused assessment of federal lands managed as wilderness. These sections are also intended to facilitate the reader's understanding of the federal wilderness lands managed by both the BLM and the NPS. In addition to these consolidated sections on Wilderness, the specific resource topics throughout Section 4 of the EIS/EIR, such as Public Health and Safety (Section 4.2), Biological Resources (Section 4.7), and Land Use (Section 4.5), analyze the potential impacts to resources in the vicinity of the Project site, including the Eagle Mountain Railroad. For example, in Section 4.3, Traffic and Transportation, the impacts associated with trains traveling throughout Southern California (including the areas presented in the comment) are assessed. In addition, rail safety is presented in Public Health and Safety (Section 4.2, page 4.2-9 of the EIS/EIR), which discusses the potential for rail accidents associated with rail transport of waste, including the railway area cited in the comment. This section addresses the implementation of emergency response plans and the design of the railcar containers as ways in which public health and safety can be maintained. In reference to a discussion of natural and cultural resources, Section 4.7.3.1, Impacts to Vegetation, discusses biological resources, including plant species along the railway; Section 3.14.3 of the Cultural Resources section (Roads and Rail Ways), discusses cultural resources along road and rail ways in the vicinity of the project, including the portions of the rail way identified by the comment.

E. The DEIR/EIS Fails to Accurately and Adequately Disclose Impacts to Air Quality

17 The air quality impacts discussion in the DEIR/EIS contains numerous flaws under both CEQA and the applicable regulations of the South Coast Air Quality Management District ("SCAQMD").

a First, the project and its environmental impacts are incompletely and inadequately described. The DEIR/EIS anticipates that an energy recovery facility will be added to the project at some point in the future but completely fails to analyze the impacts of that

b facility. The DEIR/EIS also fails to present the air quality impacts of the project over time, instead analyzing the project as a static emissions source with a single emissions level.

c Second, since the DEIR/EIS acknowledges significant air quality impacts, mitigation measures that would substantially reduce those impacts must be demonstrated infeasible before they can be rejected; that burden has not been carried. In particular, the DEIR/EIS fails to justify the rejection of rail electrification, emission offsets, or less damaging alternatives.

Response to Comment 26-17

(a) The Draft EIS/EIR does not state that an energy recovery facility will be added, but that it could be added depending on conditions. Accordingly, as discussed in the Response to Comment 26-5, the Draft EIS/EIR does analyze the emissions for the various energy recovery facilities that might be developed in the future. Because the emissions for these types of facilities are lower than the levels for landfill gas flares, the associated air quality impacts for the energy recovery facilities would also be lower than the impacts shown in the Draft EIS/EIR for the landfill gas flares.

(b) Rather than analyze the air quality impacts associated with a number of development phases of the proposed Project, the Draft EIS/EIR analyzes the air quality impacts associated with the phase of the proposed Project that is expected to have the highest air quality impacts (i.e., approximately 30 years into the development of the proposed Project). It is at this point in Project development that there will be the highest combination of mobile equipment and landfill gas flare emissions. Prior to this point in Project development, there will be lower flare emissions due to lower landfill gas generation rates. After this point in Project development, landfill gas generation rates will be at their maximum levels and are expected to remain constant, while mobile source activity levels will decrease as the travel distance between the truck marshaling/intermodal yards and the landfill working face decreases. Consequently, any other phase of Project development would have lower air quality impacts. The air quality mitigation measures for the Project apply during all phases of the Project, both prior to and after the point of maximum emissions.

(c) The Draft EIS/EIR includes a detailed discussion of mitigation measures and the feasibility of these measures (Appendix E, Part 4.6). A more detailed discussion of the rejection of the rail electrification mitigation measure is included in the Response to Comment 26-18(d). A detailed discussion of emission offsets is included in the Response to Comment 26-18(c). It is unclear what is meant by the Comment that the Draft EIS/EIR fails to justify the rejection of less damaging alternatives. A complete discussion of Project alternatives is included in the Draft EIS/EIR (Part 2 and Appendix E, Part 5). Furthermore, it is also unclear what is meant by the Comment that the Draft EIS/EIR has a limited selection of mitigation measures in comparison to the

The DEIR/EIS also fails to justify the limited selection of
d mitigation measures in comparison to the Best Available Control Technology ("BACT") criteria of the SCAQMD regulations.

Third, the DEIR/EIS has made several key assumptions regarding emissions rates
e that are substantially lower than the levels directed by Environmental Protection Agency ("EPA") and SCAQMD regulations and guidance. When those assumptions are corrected, substantially greater impacts are disclosed. Key supporting analyses need to be circulated to the public so that these assumptions can be critiqued.

17 Fourth, the DEIR/EIS assumes without support that alternative landfills closer to
f waste sources will have greater air pollution impacts per ton of waste disposed than the proposed landfill. This assumption, which biases the alternatives analysis in favor of the project as proposed, must be corrected so that the various alternatives can be compared accurately and fairly.

Fifth, the project's consistency with SCAQMD regulations and plans has not been
g adequately disclosed in several respects. The project will exceed ambient impact limitations under SCAQMD Rule 1303, Table A-2.

BACT criteria of the SCAQMD regulations. A detailed discussion of the proposed Project's consistency with SCAQMD BACT requirements is included in the Draft EIS/EIR (Appendix E, Part 4.5).

(d) It is unclear what is meant by the Comment that the Draft EIS/EIR has a limited selection of mitigation measures compared to the SCAQMD BACT criteria. The SCAQMD BACT criteria apply only to permitted equipment. A detailed description of the proposed mitigation measures are included in the Draft EIS/EIR (Appendix E, Part 4.6), along with a detailed discussion of the SCAQMD BACT requirements applicable to each type of permitted equipment required for the proposed Project (Appendix E, Part 4.5). The SCAQMD has issued, or is ready to issue pending certification of the EIS/EIR, permits to construct or operate for all equipment required for the initial phase of the proposed Project. Since all permitted equipment undergoes a BACT review, the proposed Project fully complies with the SCAQMD's BACT criteria.

(e) As discussed in the detailed Responses to Comments 26-17(k), 26-17(o), and 26-17(p), the detailed emission analysis in the Draft EIS/EIR is based on EPA-approved calculation methods using site-specific factors. Furthermore, detailed emission calculations including activity rates, emission factors, emission control factors, key assumptions, and references are also included in the Draft EIS/EIR (Appendix E, Attachment A).

(f) See Response to Comment 26-4. Also, Table 1-14 in Appendix E of the Draft EIS/EIR shows the assumptions of emissions per ton of waste for alternative landfill sits. It shows that the air emissions per ton for the proposed Project are not in all cases assumed to be less than for other landfills.

(g) It is unclear what is meant by the Comment that the Draft EIS/EIR does not adequately discuss the project's consistency with the SCAQMD regulations and plans. The Draft EIS/EIR includes a detailed discussion of the proposed Project's consistency with these regulations and plans (Appendix E, Part 4.5). The SCAQMD Rule 1303, Table A-2 ambient concentration limits are included in the Draft EIS/EIR as significance criteria and total project impacts are compared with these criteria in the Draft EIS/EIR (Appendix E, Parts 4 and 5). However, as discussed in more detail in the

The project's consistency with the emissions inventory assumed for the landfill source category in the 1994 SCAQMD Air Quality Management Plan ("AQMP") has not been evaluated.

h

1. **Since Air Pollution Impacts of Landfills Vary Over Time, Emissions Profiles need to be Presented to Adequately Inform the Public of Those Impacts**

Air pollution impacts of the project are presented using a single set of emissions estimates rather than presenting the profile of the project's emissions over time. Landfills' are predictably variable emissions sources given steadily increasing landfill gas generation levels as wastes are added, decomposition takes place, and decomposition for early waste then tapers off. The full emissions profile of the landfill over its active life and for a reasonable period of time thereafter needs to be presented in order to fully disclose the project's impacts. Only by presenting this information can the reasonableness be assessed of the single value emissions estimates upon which the project analysis is based.

i

Response to Comment 17-21, the Rule 1303 Table A-2 concentration limits are meant to analyze the significance of the impacts associated with specific permit equipment, rather than impacts from entire projects. In regards to the permitting of the flares and other permitted equipment, the SCAQMD has issued or is ready to issue permits to construct or operate for all equipment required for the initial phase of the proposed Project. During the SCAQMD permit review process, the modeling analysis required by Rule 1303 was performed and modeled impacts did not exceed the limitations in Rule 1303, Table A-2.

(h) Although the Draft EIS/EIR does not specifically address the emissions inventory used for the SCAQMD AQMP, the Draft EIS/EIR does include a discussion of the proposed Project's consistency with this plan (Appendix E, Part 4.5). In the 1994 SCAQMD AQMP, landfill emissions are accounted for in the baseline emissions inventory and emissions are projected to grow in future years based on projected population growth parameters in the South Coast Air Basin (SCAB). As discussed in the Draft EIS/EIR (Appendix E, Part 8), the proposed Project itself will not cause additional waste to be created and therefore will not create additional emissions that are not accounted for in the projected SCAQMD AQMP's inventory for landfill emissions. This is because the amount of waste produced is not determined by the landfill capacity but rather the amount of waste generated in the SCAB. Therefore, it can be concluded that the proposed Project is consistent with the emissions inventory used for the 1994 AQMP.

(i) As discussed in the Response to Comment 26-17(b), rather than analyze the air quality impacts associated with a number of different development phases of the proposed Project, the Draft EIS/EIR analyzes the air quality impacts associated with the phase of the proposed Project that is expected to have the highest air quality impacts (i.e., approximately 30 years into the development of the proposed Project). It is at this point during Project development when landfill gas generation rates will be maximized (i.e., 46,000 standard cubic feet per minute). After this point in time, landfill gas generation rates are expected to remain constant until the project is closed and landfill gas generation rates slowly decrease. It is also during this period when mobile source activity levels will be at their highest due to the combination of maximum waste hauling and handling (i.e., 20,000 tons/day) and the travel distances between the truck marshaling/intermodal yards and

2. Public Review of Key Supporting Analyses and Assumptions Should be Provided

The SCAQMD "CEQA Air Quality Handbook," April, 1993,("SCAQMD CEQA Manual") directs that: The air quality analysis should contain sufficient detail to support the conclusions reached in the analysis. . . . The EIR should document all assumptions for quantifying emissions (or other impacts) and mitigation measures. SCAQMD CEQA Manual at 7-6.

the landfill working face. After this period in Project development, the travel distance between the working face of the landfill and the truck marshaling/intermodal yards will decrease, resulting in lower mobile equipment emissions. Consequently, by analyzing the impacts associated with maximum projected emission levels, the Project's impacts have been fully disclosed.

(j) A complete analysis of the landfill gas emissions is contained in the Draft EIS/EIR (Appendix E, Part 4). This analysis discloses all assumptions and calculations for determining the landfill gas emissions for the proposed Project. The comment refers to the use of an AP-42 default value for purposes of estimating landfill gas generation rates. Rather than use this default value, the landfill gas generation rates in the Draft EIS/EIR are based on expected waste characteristics. According to the guidelines in AP-42, the estimation of the potential landfill gas generation capacity of waste (L_o) is generally treated as a function of the moisture and organic content of the waste in question. Estimation of the landfill gas generation constant (k) is a function of a variety of factors, including moisture, pH, temperature, other environmental factors, and landfill operating conditions. Both AP-42 and the recently promulgated New Source Performance Standard (NSPS) recommend the use of the proposed regulatory values for L_o and k for regulatory compliance purposes. However, as stated in AP-42 and the NSPS guidance, different values could be appropriate for particular landfills. The regulatory default values are overly conservative in order to encompass a wide range of landfills and to encourage the use of site-specific data. Therefore, in the Draft EIS/EIR, the EPA-approved landfill gas generation model was run using data obtained from four Riverside County landfills that have active gas collection systems and that accept waste that is representative of waste that will be received by the proposed Project. Based on the characteristics from these landfills, values for L_o were back-calculated to correspond to the actual measured landfill gas flow rate for each Riverside County landfill. Using both the current EPA default value for k and the AP-42 value for k, the EPA landfill gas generation model was run to provide a comparison with the original landfill gas generation rates estimated for the proposed Project in the previous EIS/EIR, which was based on empirical data from Southern California landfills. The results from this approach confirm that the original landfill gas estimates for the proposed Project are not only

Several key analyses have not been disclosed to the public, making comment on the validity of those analyses impossible. The three most important analyses missing from the presentation are:

(1) the assumptions and calculations regarding landfill gas emissions over the lifetime of the project,
(2) the assumptions and calculations underlying the estimates of fugitive PM10emissions during landfill operations, and
(3) the air quality impacts analysis, particularly regarding consumption of the Class1 prevention of significant deterioration increment at the nearby Joshua Tree National Park ("JTNP").

Instead, only summary conclusions from these analyses are presented. By failing to include these analyses or otherwise make them available, the public has been deprived of a meaningful opportunity to comment. We request that these analyses be provided and that a reasonable opportunity to comment be provided.

The supporting documentation for the estimation of landfill gas emissions is particularly important given the fact that the DEIR/EIS uses a landfill gas generation factor less than half of that directed by the EPA in the recently promulgated New Source Performance Standards ("NSPS"). 40 C.F.R. Section 60.754. The NSPS direct that the analysis assume that 170 cubic meters of landfill gas is generated for each metric ton of waste (approximately 2204pounds). Id. Yet the DEIR/EIS assumes that the rate at Eagle Mountain will be 65.3 cubic meters per metric ton, concluding that approximately 47,000 cubic meters of landfill gas will be produced at peak levels. DEIR/EIS, Appendix A, at 4-8.

The DEIR/EIS claims that this value was back-calculated from measurements at Riverside County landfills. Yet EPA' AP-42 document indicates that: "Estimation of the potential [methane]generation capacity of refuse is generally treated as a function of the moisture and organic content of the refuse." AP-42 Section 2.4.4.1, at 2.4-3. Thus, in order to use measurements from other landfills, it would need to be demonstrated that the waste received at those landfills is representative of the waste to be received at the proposed project, which has not been done in the DEIR/EIS. Moreover, using EPA models to back-calculate this factor is not specified in AP-42 or the NSPS as an accepted procedure. It should be noted that AP-42 itself indicates that a value of 125 cubic meters per metric ton "is appropriate for most landfills." Id. Again, this is nearly double the factor applied in the analyses underlying the DEIR/EIS.

This threshold assumption is the foundation of the entire air quality impacts discussion, and any error or bias in the estimate corrupts the entire analysis. Emissions from fugitive VOC emissions and from the landfill gas flare would be more than double if the NSPS assumptions were used. This change, in turn, would result in exceeding the prevention of significant deterioration major source applicability threshold, as discussed below, as well as increasing ambient impacts estimates for all pollutants from fugitive gas emissions and the flare. It is essential that the basis for this gas generation estimate be disclosed completely, providing for public review and comment.

Estimated fugitive dust control rates of up to 95% as claimed in the DEIR/EIS are extremely high in relation to commonly applied criteria. DEIR/EIS, Appendix E, at 4-59. Table A-2-2discloses that this 95% control assumption is applied to a number of operations that will occur, at least in part, on unpaved roads. Yet, the SCAQMD CEQA Manual allows only a 92.5% reduction efficiency for paved roads, with a lower 91% efficiency for trucks on paved roads. SCAQMD CEQA Manual at Tables 11-4 andA11-9-A.

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appropriate, but also conservative when considering expected decreases in both methane generation potential and waste moisture content associated with continuing recycling efforts in Southern California. In addition, the drier climate at the Eagle Mountain Landfill, as compared to existing Southern California landfills where the empirical data were derived, suggests that the 46,000 scfm value overstates the potential gas generation rate at the site.

(k) It is unclear what is meant by the Comment that several key analyses have not been disclosed to the public. Detailed PM_{10} emission calculations for landfill operations are included in the Draft EIS/EIR (Appendix E, Attachment A). This section of the Draft EIS/EIR includes all of the assumptions, activity levels, emission factors, and emission calculations used to estimate fugitive dust emissions and combustion emissions. The assumptions and estimates of fugitive PM_{10} emissions during landfill operations for the proposed Project with mitigation are found in the Draft EIS/EIR at Appendix E, Attachment A, pp. A-3-3 to A-3-7.

(l) A detailed analysis of the air quality impacts on the JTNP, including a Prevention of Significant Deterioration (PSD) Class I increments analysis, is contained in the Draft EIS/EIR (Appendix E, Part 6). This section discusses the emission sources analyzed, the meteorological database used, the choice of models for the analysis, the receptors, the program control parameters/source characteristics used, and the results of the impact analysis. The results are presented for the proposed Project without mitigation (Table 6-7), the proposed Project with mitigation (Table 6-8) and the Reduced Volume Alternative with mitigation (Table 6-9). The results show that the Project impacts are below the EPA PSD Class I increments for NO_2 and SO_2 as well as the annual and 24-hour PM_{10} increments. In addition to the above information, Attachment D of Appendix E provides an even more complete description of the impacts analysis for the proposed Project.

(m) See Response to Comment 26-17j.

(n) See Response to Comment 26-17j.

(o) The Draft EIS/EIR includes a detailed analysis of the particulate emissions associated with the proposed Project and all Project alternatives (Appendix E, Attachment A). This section of the Draft EIS/EIR includes all of the assumptions and references used for each particulate emission

p The 95% value is well outside the range of the reduction efficiency for watering and soil binders applied to unpaved roads as specified by the SCAQMD CEQA manual. Id. Those ranges are 34-68% and 30-65%, for watering and application of soil binders, respectively. Id. And the manual directs EIR preparers to "Use the lowest value if better information is not known. If higher than lowest value is used, please provide the supporting analysis and data in the environmental documentation." Id. This supporting analysis and data is nowhere provided. If the lower control assumptions are used for unpaved roads, dramatically higher PM10 emissions rates would result.[4]

[4] Also, the control effectiveness of watering and similar measures is highly dependent upon watering intensity and frequency, which are not identified. The analysis also should identify the percentage of VMT occurring on paved as compared to unpaved surfaces, given the differences in control efficiencies, and justify that percentage based upon anticipated operational parameters throughout the lifetime of the project. See SCAQMD CEQA Manual at 9-3.

calculation and corresponding control method. As shown in the Draft EIS/EIR (Appendix E, Attachment A, Tables A-2-2, A-3-2, A-4-2, A-5-2, A-6-3, A-7-2), the paved-road travel particulate control efficiency of 95 percent is based on EPA's particulate calculation methodology for paved-road travel (AP-42, Section 13.2.1, 1/95) assuming the use of water flushing to reduce paved-road surface silt loading to 0.082 g/m^2. This level of controlled silt loading is equivalent to the uncontrolled silt loadings found on many urban paved roads as shown in AP-42 (AP-42, Table 13.2.1-3, 1/95). Therefore, this level of control for paved-road travel is reasonable considering the paved-road travel mitigation measures proposed in the Draft EIS/EIR, and there is sufficient information available in the Draft EIS/EIR to support such a control level.

Furthermore, in this same section of the Draft EIS/EIR, it is clearly shown that the unpaved-road travel particulate control efficiency of 95 percent is based on an analysis of chemical dust suppressants performed for the Bureau of Mines, United States Department of the Interior ("Cost Effectiveness of Dust Controls Used On Unpaved Haul Roads," December 1983). This analysis shows an average particulate control efficiency of 95 percent when using chemical dust suppressants on unpaved mine haul roads. This same level of dust control for the use of chemical dust suppressants on unpaved mine haul roads is also shown in a newer analysis conducted for the Bureau of Mines ("Fugitive Dust Control for Haulage Roads and Tailing Basins," Bureau of Mines, United States Department of the Interior, 1987), as well as in the Environmental Protection Agency's "Control of Open Fugitive Dust Sources," EPA-450/3-88-008, September 1988. Consequently, this level of particulate control for unpaved-road travel is reasonable and is supported with a sufficient amount of information in the Draft EIS/EIR.

(p) As discussed in the Response to Comment 26-170, the particulate control efficiency used in the Draft EIS/EIR for unpaved road travel is based on typical particulate control levels shown in an analysis conducted for the Bureau of Mines, United States Department of the Interior, for the use of chemical dust suppressants on unpaved mine haul roads. We agree with the Comment that dust control effectiveness of watering or chemical dust suppressants is highly dependent upon application intensity and frequency. The Project will apply dust suppressants at a frequency and intensity sufficient to meet the projected levels of dust control. As discussed in the Draft EIS/EIR (Appendix E, Part 4.6.3), the actual dust suppressant that will

q The uncontrolled emission factors for PM10 also do not match those directed by the SCAQMD CEQA Manual. For example, truck emissions on unpaved roads are assumed to be 5.70 pounds per mile, while the SCAQMD CEQA Manual directs that a 23 pound per mile factor be used. Compare DEIR/EIS, Appendix E, Table A-2-2 with SCAQMD CEQA Manual Table A9-9.

r The onsite fugitive dust estimates are also well below comparable projections made in connection with other landfills proposed in Southern California. For example, the proposed10,000 tpd Chiquita Canyon Landfill is estimated to have onsite fugitive PM10 emissions of 638.9 pounds per day, while operations at twice this rate (20,000 tpd) at Eagle Mountain are assumed to produce fewer fugitive PM10 emissions (560 pounds per day). See Final Environmental Impact Report, Chiquita Canyon Landfill Expansion/Closure and Resource Recovery Facilities, August 1996,("Chiquita FEIR"), Table 4.G-8 at IV-85.

be used and the frequency of application will be selected based on a field evaluation of candidate suppressants that will be performed during the startup phase of the proposed Project. The Draft EIS/EIR includes a detailed analysis of the particulate emissions associated with the proposed Project and all project alternatives. This particulate emissions analysis includes the daily Vehicle Miles Traveled (VMT) on paved and unpaved surfaces (Appendix E, Attachment A, Tables A-2-2, A-3-2, A-4-2, A-5-2, A-6-3, A-7-2). Because this analysis includes the specific VMT associated with paved and unpaved road travel, there is no need to also include a percentage of VMT occurring on these surfaces.

(q) Because the particulate emission calculations in the Draft EIS/EIR are based on EPA-approved emission factors and site-specific information, there is no reason why the emission factors used in the Draft EIS/EIR should match more generalized factors shown in the SCAQMD CEQA Air Quality Manual. As discussed in the Response to Comment 17-15, the Draft EIS/EIR includes a detailed analysis of the particulate emissions associated with the proposed Project and all Project alternatives (Appendix E, Attachment A). As shown in the Draft EIS/EIR (Appendix E, Attachment A, Tables A-2-2, A-3-2, A-4-2, A-5-2, A-6-3, A-7-2), paved-road travel particulate emissions are based on EPA's particulate emission factor for paved-road travel (AP-42, Section 13.2.1, 1/95). The EPA paved-road travel particulate emission factor is based on the paved-road surface silt loading and the average vehicle weight. As shown in the Draft EIS/EIR, an uncontrolled road surface silt loading of 7.4 g/m^2 (average surface silt loading for paved roads at municipal solid waste landfills as shown in AP-42, Table 13.2.1-1, 1/95) and an average vehicle weight of 10 tons (paved landfill roads will be used mainly for light-duty vehicle travel) were used to calculate uncontrolled paved road particulate emissions. Because the EPA paved-road emission factor is based on source-specific information, the particulate emissions calculated using this approach are more appropriate for the proposed Project than emission estimates using the more generalized emission factors shown in the SCAQMD CEQA Manual.

(r) As shown in the detailed particulate emission calculations included in the Draft EIS/EIR (Appendix E, Attachment A), fugitive dust emission calculations are based on several source-specific factors including equipment size and type, silt and moisture contents of materials excavated and/or handled,

s Likewise, the air quality impacts analysis has produced conclusions dramatically at odds with analyses in other landfill EIRs. For example, from a comparable PM10 emissions load, the Chiquita FEIR estimates PM10 ambient concentrations approximately five times as high. Compare Chiquita FEIR at Table 4.G-9 with DEIR/EIS. Appendix E, Table 4-9 (24 hour PM10 impacts of 174 ug/m3for 10,000 tpd Chiquita Canyon Project compared to 35 ug/m3 for20,000 tpd Eagle Mountain Project).

t In all three of these areas, the conclusions presented in the DEIR/EIS are not supported within the document, and are dramatically out of line with comparable analyses performed elsewhere. Again, public disclosure of the basis for these low emissions estimates is essential to an informed discussion. The DEIR/EIS Inadequately Justifies the Conclusion that the Project is not Subject to Federal Prevention of Significant Deterioration Review .

The DEIR/EIS asserts that the project will not be subject to federal prevention of significant deterioration ("PSD") review and does not list a federal PSD permit as a "required permit and approval." DEIR/EIS at 1-35. This conclusion is inadequately supported, and appears incorrect, as discussed below.

Under federal PSD regulations, landfills must have a PSD permit if their "potential to emit" any criteria pollutant exceeds 250 tons per year, excluding fugitive emissions. 40C.F.R. Section 52.21(b)(1). The potential to emit from a facility is based on the "maximum capacity of a stationary source to emit a pollutant under its physical and operational design" and only takes into account such limits as are "federally enforceable." 40 C.F.R. Section 52.21(b)(4).

Here, emissions of NOx are estimated to be 231 tons per year, approximately 92% of the level allowed before a PSD permit is required. DEIR/EIS at Appendix E, Table 1-7. However, the 231ton per year emissions estimate is based on two assumptions that appear faulty. First, it assumes that landfill gas emissions rates less than half of those directed by the NSPS will occur, as discussed above. This assumption has not been adequately supported. Second, the emissions estimates rely on use of selective non-catalytic reduction to reduce emissions by 30% in peak years (see Table A-2-10), but there is no demonstration that this measure is federally enforceable. If either of these factors fails to hold, PSD review will be required.

project configurations (i.e., distance from container handling yards and working face of landfill), road types used for waste and material hauling, and types of dust control techniques used. Because each landfill will have a unique combination of these key factors, it is reasonable to expect that there will be significant differences between the fugitive dust emission calculations for the proposed Project and other Southern California landfills.

(s) The air quality impacts analysis in the Draft EIS/EIR was performed using EPA-approved models and was conducted following procedures approved by the NPS. A detailed discussion of this analysis is included in the Draft EIS/EIR (Appendix E, Attachment D). Because air quality impact analyses are significantly affected by the dispersion models used, site-specific meteorological data, site-specific terrain information, Project configuration, and site-specific Project operating characteristics, it is not uncommon that there are substantial differences between the results of air quality impact analyses performed for different projects.

(t) The Draft EIS/EIR includes a detailed analysis of the proposed Project's consistency of the Federal Prevention of Significant Deterioration (PSD) program (Appendix E, Part 4.5.1). The conclusion that the proposed Project will not trigger PSD review is based on a detailed emission analysis of the equipment subject to the PSD program. The comment conclusion that the landfill gas emissions rates are not adequately supported is incorrect. As discussed in the Response to Comment 26-17(j), the landfill gas generation projections in the Draft EIS/EIR for the proposed Project were confirmed using the EPA landfill gas generation model.

For the emission levels associated with the landfill gas control system, as discussed in the Draft EIS/EIR (Appendix E, Part 4.5.1), the emission levels shown in the Draft EIS/EIR for the landfill gas control system could be met with the use of energy recovery systems or landfill gas flares equipped with control systems, depending on actual landfill gas generation rates. The mitigation measures in the Draft EIS/EIR (Appendix E, Part 4.6.3) specify landfill gas generation levels that trigger the performance of feasibility studies and SCAQMD air quality permitting necessary to control emissions below the PSD trigger levels. The SCAQMD permits for the landfill gas control systems will include conditions limiting the amount of landfill gas and emissions from the flares to prevent emissions from exceeding PSD thresholds. Because the

3. The DEIR/EIS Must Disclose that the Air Quality Impacts of the Project Exceed the Limitations in SCAQMD Rule 1303, Appendix A, Table A-2.

u Under SCAQMD Rule 1303(b)(1), a permit can only be issued if the facility will result in less than significant increases in air quality concentrations as specified in Table A-2 of Appendix A to Rule 1303. The critical thresholds are 1-hour NOx - 20ug/m3; annual NOx - 1 ug/m3; and annual PM10 - 1 ug/m3. The air quality analysis must disclose that project ambient impacts exceed these thresholds. For example, 1-hour NOx impacts are modelled at 266 ug/m3, over ten times the limit. DEIR/EIS at Appendix E, Table 1-12. Annual NOx impacts are modelled at 14ug/m3, 14 times the limit. Id. Annual PM10 impacts are modelled at 5 ug/m3, or five times the limit. Id. The CO thresholds in Table A-2 are also exceeded, but by a smaller margin. Importantly, under Rule 1303(b)(1), unless these exceedances are prevented, no permit can be issued for the project by the SCAQMD.

v Although the DEIR/EIS acknowledges that: "Rule 1303 also requires that the applicant substantiate with modeling that the missions from a new or modified facility will not cause a significant increase in air quality concentrations . . . " the DEIR/EIS does not disclose that this substantiation cannot be made. In fact the air quality analysis demonstrates that the significance levels will be exceeded. DEIR/EIS, Appendix E at 4-27.

SCAQMD permitting program is approved by EPA as part of the California State Implementation Plan, the conditions in these permits will be federally enforceable.

(u) The comment confuses air quality impact analyses done for purposes of CEQA/NEPA with impact analyses done for purposes of SCAQMD New Source Review (NSR) regulations. The detailed air quality impact analysis in the Draft EIS/EIR (Appendix E, Attachment D) was performed for purposes of CEQA/NEPA to determine whether significant ambient impacts are associated with the proposed Project. CEQA required an analysis of all emission sources associated with the proposed Project which includes fugitive emissions, mobile equipment, and wind erosion, as well as stationary equipment permitted under SCAQMD Rule 1303. However, as discussed in detail in the Response to Comment 17-27a and as discussed in the Draft EIS/EIR (Appendix E, Part 4.5.2), the SCAQMD Rule 1303 significance levels are based on impacts for a specific subset of the proposed Project's stationary equipment and associated mobile equipment. The Rule 1303 analysis does not consider most vehicle or fugitive dust emissions. Consequently, it is incorrect to compare the ambient air quality impacts shown in the Draft EIS/EIR for the entire proposed Project with the significance levels in Rule 1303 or to conclude that no SCAQMD permits can be issued to the Project. The SCAQMD has issued or is ready to issue permits to construct or operate for all equipment required for the initial phase of the proposed Project. During the SCAQMD permit review process, the modeling analysis required by Rule 1303 was performed by MRC and reviewed by SCAQMD. Modeled impacts did not exceed the limitations in Rule 1303, Table A-2.

(v) As discussed in the Response to Comment 26-17(u), the comment has incorrectly compared the results of the air quality impact analysis performed in the Draft EIS/EIR for CEQA/NEPA purposes with modeling thresholds in the SCAQMD NSR regulations (i.e., SCAQMD Rule 1303) for purposes of air quality permitting. As discussed in the Draft EIS/EIR (Appendix E, Part 4.5.2), a subset of the proposed Project's emission sources will be required to undergo the SCAQMD NSR review/permitting process. Furthermore, as discussed in the Draft EIS/EIR, much of the stationary equipment associated with the proposed Project previously underwent the SCAQMD NSR review process and were issued permits because the

w The limitations in Table A-2 should also be applied as a standard of significance in Section 4.4.1 of the DEIR/EIS, since impacts in excess of the limitation are prohibited and a project exceeding those levels would be inconsistent with applicable SCAQMD plans.

4. The DEIR/EIS Must Evaluate the Consistency of the Project with the Emissions Assumed for the Landfill Source Category in the 1994 AQMP.

x The EIR should evaluate the consistency of the emissions from the proposed project with the emissions inventory applied in the 1994 AQMP for landfills and associated operations. At least a portion of this inventory appears to be found in Appendices III-A and III-B to the 1994 AQMP under "control code 6080." For2002, these baseline emissions are 5.51 tons per day of VOC; the inventories also assume zero emissions of NOx year round. AQMD Appendix III-B, Table 2-21

The analysis should also evaluate the consistency of the project with the assumptions that support the 1994 AQMP's emissions inventory for landfill operations (such as recycling rates, in-basin compared to out-of-basin landfill disposal rates, size and number of operational landfills, etc.).

This analysis is required under the SCAQMD CEQA Guidelines, at 12-2, which state that: "consistent with the AQMP and PM10Plan means that a project is consistent with the goals, objectives, and assumptions in the respective plans . . . ." (Emphasis Added).

5. Inconsistencies and Air Quality Model Assumptions Must Be Disclosed.

y The DEIR/EIS indicates that it uses version 3 of the Industrial Source Complex, Short-Term (ISCST3) model, to calculate ambient air quality impacts resulting from the project. EPA's regulations governing model selection specify the ISCST version for 1-24 hour averaging periods and the ISCLT (long term) version for monthly, seasonal or annual periods. 40 C.F.R. Part 51,Appendix W, at 4.2.2, Table 4-1. Any use of the ISCST model for long term (greater than 24 hour) impacts is inappropriate under EPA's regulations and results using the long term version of the Industrial Source Complex model (ISCLT3) must be presented for those impacts.

z The air quality impact analysis does not seem to address all of the precursor relationships designated in SCAQMD Rule1302(aa), particularly precursors to PM10 formation including NOx. The treatment of these precursors in the air quality modelling needs to be disclosed and all required precursors considered.

aa The acid deposition model results in Appendix E, Table 6-2show NOx and HNO3 impact levels before and after mitigation that are disproportionate to the onsite NOx emissions assumed before and after mitigation. Compare Appendix E, Tables 1-7 and 1-11(NOx emissions reduced from 4,654 pounds per day to 2,710 pounds per day, a 42% reduction) to Table 6-2 (NOx concentrations reduced from 387.3 to 169.8 ug/m3, a 56% reduction). This discrepancy needs to be explained.

modeling analyses performed during the permitting process showed impacts below the SCAQMD Rule 1303 significance levels.

(w) The discussion of standards of significance included in Section 4.4.1 of the Draft EIS/EIR is meant to be a brief summary of this issue. As discussed in this section, a more detailed discussion of standards of significance is included in Appendix E of the Draft EIS/EIR. The ambient impacts levels shown in Table A-2 of the SCAQMD NSR regulation (Rule 1303) are included as standards of significance in Appendix E, Part 3, Tables 3-1, 3-3, 3-4, and 3-5. of the Draft EIS/EIR.

(x) Please see the Response to Comment 26-17(h).

(y) For long-term averages, ISCST3 and ISCLT3 provide results that are virtually identical. It is EPA policy to allow the use of ISCST3 results for long-term averages. As discussed in Section 4.22 of the EPA's "Guideline on Air Quality Models (Revised)," when modeling for compliance with short-term National Ambient Air Quality Standards and PSD increments, short-term models such as ISCST may also be used to provide long-term concentration estimates.

(z) With the exception of large regional urban models, which are unsuitable to model impacts from a single facility, EPA-approved dispersion models used to evaluate compliance with National Ambient Air Quality Standards and PSD increments for individual projects are not equipped to analyze the conversion of precursors to PM_{10}. Therefore, no conversion of PM_{10} precursors was included in the dispersion modeling analysis included in the Draft EIS/EIR. However, PM_{10} precursors were accounted for in the regional haze and visibility impact analyses contained in the Draft EIS/EIR.

(aa) The acid deposition modeling results are proportional to area source emissions. The comment refers to the 56 percent reduction in modeled maximum 1-hour average NOx concentrations, and contrasts that with the 42 percent reduction in project emissions of NOx. As discussed in the Draft EIS/EIR (Appendix E, Attachment D), the worst-hit receptors for 1-hour and annual NOx impacts are located on the Project boundary. These receptors are most strongly influenced by nearby area source emissions, due to the low pollutant release height characteristics of these sources, and are nearly unaffected by landfill gas flare emissions. Thus, the reduction in acid

deposition impacts is based almost entirely on the reduction of emissions for area sources rather than the emissions associated with the landfill gas flares. To demonstrate this, the reductions from area sources must be calculated. The Draft EIS/EIR notes that the landfill gas flare emission rates (point sources) of 1,264 tons/day are the same for the proposed Project with or without mitigation. Using the data in Tables 1-7 and 1-11 in Appendix E of the Draft EIS/EIR to compute the emissions data from all other sources, without mitigation, Project emissions (less flare emissions) are 4,654 - 1,264 = 3,390 lb/day. With mitigation, the emissions are 2,710 - 1,264 = 1,446 lb/day. This is a reduction of 57 percent in the emissions from all sources except the flares. This reduction in NOx emissions is proportional to the reduction in acid deposition impacts (i.e., 387.3 $\mu g/m^3$ to 169.8 $\mu g/m^3$).

IV. The DEIR/EIS Contains No Reasoned Discussion Supporting Its choice of Mitigation Measures

a 18 The CEQA Guidelines specifically require that an EIR's discussion of environmental impacts must cover the various possible means by which such impacts could be mitigated and present a reasoned explanation for selecting from among those options: "Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified if one has been selected. (CEQA Guidelines, § 15126(c); see also Sacramento Old City Association v. City Council of Sacramento, 229 Cal.App.3d 1011, 1027, 280 Cal.Rptr. 478, 488 (1991) (noting that where there are several potential mitigation measures for significant environmental effects, "each should be discussed separately, and the reasons for choosing one over the other should be stated").)

A. The DEIR/EIS Fails to Justify Elimination of Feasible Air Pollution Mitigation Measures

The DEIR/EIS concludes that the project will result in significant[5] air quality impacts, even after mitigation. DEIR/EIS at 1-41, 4.4-14. Under CEQA, since the air quality impacts remain significant after the proposed mitigation, it will need to be demonstrated that no feasible mitigation measures were left out of the overall mitigation package. Public Resources Code •• 21002, 21002.1, 21081; CEQA Guidelines Section 15091-15093. [6] Mitigation is also required under the SCAQMD regulations which obligate developers of new or modified sources to utilize best available control technology ("BACT") and obtain emission offsets. SCAQMD Rules 1301, 1303(a) and 1303(b).[7]

Potential mitigation measures cannot be rejected unless they meet both CEQA and SCAQMD criteria (not feasible, not achieved in practice for the category or class of source, and not otherwise required under the SCAQMD rules). Numerous potential mitigation measures have been ignored or rejected without adequate justification under these criteria. In addition, several mitigation measures have been inadequately or incompletely described. A number of mitigation measures previously were suggested by the SCAQMD in correspondence dated September 17,1991 ("SCAQMD recommendations"). Several of the more important measures are discussed below.

b 1. Offsets -- The DEIR/EIS disregards the emission offset requirements that apply to this project under both CEQA and SCAQMD regulations. First, offsets are clearly feasible mitigation from a CEQA standpoint for most or all air pollutants that would be emitted from the facility. Under SCAQMD regulations, emission offsets are required for all "emissions increases" [8] at a "facility" at a 1.2:1 ratio. SCAQMD Rule 1303(b)(2). Onsite mobile source emissions are included in these offset calculations.[9] SCAQMD Rule 1306(g). Fugitive emissions are also included in a source's potential to emit. SCAQMD Rule 1302(y).[10] Full offsets for all emissions must be included in the proposed mitigation measures to comply with CEQA as well as SCAQMD requirements.

Response to Comment 26-18

(a) The Comment that the Draft EIS/EIR disregards the emission offsets requirements that apply under the SCAQMD regulations is incorrect. A detailed discussion of these requirements is included in the Draft EIS/EIR (Appendix E, Part 4.5.2). An additional discussion of the proposed Project's compliance with the SCAQMD offset requirements is included in the Responses for Comments 26-18b and 26-18c. Furthermore, the Comment is incorrect that CEQA requires emission offsets. Neither CEQA nor NEPA requires the provision of emissions offsets, which are emissions reductions calculated in accordance with precise regulatory procedures. Rather, CEQA and NEPA require an accurate assessment of the air quality impacts associated with a proposed Project; a determination as to whether the Project's impacts are significant; and the use of all practicable mitigation measures to reduce significant impacts. The Draft EIS/EIR complies with these requirements. As discussed above, the Draft EIS/EIR includes a detailed discussion of the emission offsets required by the SCAQMD regulations.

(b) Compliance by the proposed Project with the SCAQMD) New Source Review (NSR) requirements is discussed in detail in the Draft EIS/EIR (Appendix E, Part 4.5.2). The proposed Project's compliance with the emissions offsets requirements of the SCAQMD NSR program is discussed in this section as well. As discussed in this section of the Draft EIS/EIR, not all emission increases at a facility must be offset under the SCAQMD NSR program. Mobile source emissions are not required to be offset unless the mobile equipment is associated with a specific piece of permitted equipment (Rule 1306[g]). Hence, emissions for onsite mobile and landfill equipment and waste haul vehicles do not need to be offset because they are not directly associated with permitted equipment. The comment that certain fugitive emissions are included in a source's potential to emit under the SCAQMD NSR regulation; however, as with mobile equipment, only fugitive emissions directly associated with a piece of permitted equipment are required to be offset (see Rule 1302[y] and [gg]). A detailed discussion of the equipment that will need to undergo the SCAQMD NSR permitting process, including the specific fugitive and mobile equipment emissions that must be accounted for during this process, is included in the Draft EIS/EIR (Appendix E, Part 4.5.2). This section also includes a discussion of the

[5] The CEQA Guidelines, Appendix G, indicate that "A project will normally have a significant effect on the environment if it will: (x) Violate any ambient air quality standard, contribute substantially to an existing or projected air quality violation, or expose sensitive receptors to substantial pollutant concentrations . . . ." Given the project's size and location in an area violating air quality standards, the project clearly meets this standard for several pollutants.

[6] In order for the project to be approved, a statement of overriding considerations will be required. The SCAQMD CEQA Manual directs that where a project will worsen an existing air quality standard violation, the statement of overriding considerations will need to take into account: "potential restrictions on federal funding, imposition of a federal plan and regulations, federal sanctions and/or the need for regulation of additional sources in order to make up the emission reductions lost." SCAQMD CEQA Manual at 12- 3.

[7] BACT is defined in the SCAQMD Rules as:

> [T]he most stringent emission limitation or control technique which:
>
> (1) has been achieved in practice for such category or class of source; or
> (2) is contained in any state implementation plan (SIP) approved by the Environmental Protection Agency . . . ; or
> (3) is any other emission limitation or control technique . . . found by the Executive Officer to be technologically feasible . . . and cost-effective . . .SCAQMD Rule 1302(f).

[8] "Emissions increases" are defined in Rule 1306(b). The calculation is performed with respect to a "source" as defined in Rule 1302(gg), which broadly includes "combinations" of "equipment, . . . process[es or] contrivance[s] . . ." Given this broad definition, the source here for new source review purposes is the landfill as a whole.

[9] The DEIR/EIS argues that only mobile source emissions related to certain of the units within the facility would be covered but that definition ignores the broad source definition of the SCAQMD rules discussed above. DEIR/EIS, Appendix A, at 4-23

c [10] The DEIR/EIS incorrectly asserts that the project is exempt from offsets under Rule 1304(c)(5). DEIR/EIS Appendix A at 4-26. First, the exemption only applies to facilities that provide "essential public services" which is defined in SCAQMD Rule 1302(g) to include (as pertinent here)only "construction and operation of a landfill gas control or processing facility . . . ." This exemption therefore does not apply to the landfill as a whole but instead only applies to landfill gas control and processing facilities, which comprise only a portion of this project and its emissions. Second, under Rule 1304(c)(5), in order to qualify for an offset exemption, the source must be installed "solely to comply with District, state or federal pollution control laws . . . " Here, no pollution control laws require the construction of this project and such compliance certainly is not the sole reason the project is being proposed. Even considering separately the components of the project that produce air pollution, none of those components are being installed solely for purposes of pollution control law compliance (e.g., the landfill gas recovery system which is being proposed for eventual energy recovery and power sales). Thus, the offset exemption of SCAQMD Rule 1304(c)(5) does not apply. In any event, offsets are required under CEQA so long as feasible, wholly apart from any exemptions allowed under SCAQMD rules

d 2. **Rail Electrification** -- The SCAQMD recommendations included"[t]he electrification of the final 52-mile rail line from the beginning of the operation, and electrification within a 10-yearperiod for the rest of the line . . . . " Yet, the DEIR/EIS only recommends a further study of the cost/effectiveness of electrification of the Eagle Mountain Railway. DEIR/EIS Appendix E, Table 1-10. Mitigation Measure AQ-10 suggests that this study will be deferred even further, until an energy recovery facility is proposed for the project. DEIR/EIS, Appendix E, at 4-51.

SCAQMD NSR permits that were previously issued for the proposed Project. As discussed in the Draft EIS/EIR, the proposed Project will comply with all applicable air quality regulatory requirements including the SCAQMD NSR program offset requirements.

(c) The section of the Draft EIS/EIR cited in the comment (i.e., Draft EIS/EIR, Appendix E, page 4-26 rather than Appendix A, page 4-26 as cited in the comment) discusses the SCAQMD New Source Review emission offset exemption for "essential public services." Because the landfill fits the definition of essential public service, the necessary offsets for the first two flares were provided by the Priority Reserve. Because the proposed Project's landfill gas flares will be installed solely to comply with SCAQMD Rule 1150.1 (Control of Gaseous Emissions from Active Landfills), the SCAQMD Rule 1304(c)(5) emission offset exemption also would apply to landfill gas flares and the associated landfill gas collection system. As discussed in the Draft EIS/EIR (Appendix E, page 4.26), the SCAQMD Rule 1304 emission offset exemption applies only if sufficient offsets are not available from the District's Priority Reserve. Furthermore, as discussed in the Draft EIS/EIR, Priority Reserve offsets have been provided for the first two landfill gas flares and the SCAQMD is currently holding the NSR permits for these two units in abeyance pending the recertification of the EIS/EIR.

(d) The comment is apparently referring to the SCAQMD recommendations on the previous EIS/EIR for the Eagle Mountain Landfill and Recycling Center. These comments were contained in a September 17, 1991, letter from the SCAQMD to the BLM. These earlier comments are not consistent with the current SCAQMD policy on rail electrification.

At the time of the SCAQMD comments on the previous EIS/EIR, the Air Quality Management Plan (AQMP) for the SCAQMD contained a measure on rail electrification, TCM-19. Since then, an extensive study of rail electrification in Southern California was done for the Southern California Regional Railroad Authority (SCRRA) (*Southern California Accelerated Rail Electrification Program*, prepared for Southern California Regional Rail Authority, May 8, 1992). In this study, the average costs for rail electrification (not including the cost of locomotives) were $2,245,000 per track mile in 1992 dollars. In its 1994 AQMP, the SCAQMD dropped the electrification measure and introduced a new measure, MOF-05, calling for an 80 percent reduction

The DEIR/EIS indicates that: "dedicated locomotives for the spurline from Ferrum Junction to the landfill will not be available until there are at least four trains per day arriving at the landfill . . . " DEIR/EIS, Appendix E, at 4-34. Yet the DEIR/EIS acknowledges that at a 18,000 ton per day rail haul rate, 5 to 6round trip train deliveries per day would occur. DEIR/EIS, Appendix E, at 1-13. Combining these statements indicates that dedicated locomotives will in fact be feasible. Furthermore, the applicant apparently will own and maintain the Eagle Mountain Railway, and would appear to have the control necessary to electrify it. The portion of emissions occurring between the junction and the landfill is a significant percentage of the overall rail haul emissions. DEIR/EIS Appendix E, Table A-2-3.

e In response, the DEIR/EIS weakly argues that electrification is "not practicable or cost . . . effective for routine operations .. . . " DEIR/EIS, Appendix E, p. 1-22 and 4-35 (Emphasis added). The DEIR/EIS provides no support for this conclusion. In fact, the DEIR/EIS concedes that: "Technology for railway electrification is readily available -- both EMD and General Electric offer electric locomotives --- and has been widely adopted in other countries." DEIR/EIS, Appendix E, at 4-41.

f The DEIR/EIS contains no analysis supporting the rejection of electric locomotives for this private dedicated rail line which not need to accommodate existing railroad equipment in general use elsewhere. The DEIR/EIS instead identifies the major impediments as "the high costs of the catenary cable systems to supply the electricity, plus the associated costs of extensive modifications to railway signal systems to make them compatible with electric traction." DEIR/EIS, Appendix E, at 4-41. But the DEIR/EIS acknowledges that the Eagle Mountain Railway will need to be refurbished to make it usable for the proposed project in any event and the marginal cost of electrification in that circumstance would be less than electrification retrofits elsewhere.

g Significant emissions reductions would be achieved simply from electrifying this segment one segment from the spur to the landfill. The infeasibility of this measure has not been supported in the DEIR/EIS.

in NOx from railroads in 2010. The 1994 AQMP presented a list of technologies that could be used to accomplish this reduction. These included advanced diesel engines, add-on controls, alternative fuels, and electrification. The CARB did not approve this measure for inclusion in the State Implementation Plan (SIP). Instead, it prepared a measure that relied only on advanced diesel engines. This measure called for a 67 percent reduction in NOx emissions in 2010. The current draft 1997 AQMP from the SCAQMD includes this CARB measure in the plan. As discussed in the Draft EIS/EIR, the proposed mitigation measures for the proposed Project incorporate the above SCAQMD AQMP and CARB control measures for diesel locomotive engines (Appendix E, Part 4.6).

(e) Control is not the issue; rail electrification is costly and the specific costs for this line are not known. See Response to Comment 26-18(g).

(f) The Draft EIS/EIR discusses the reasons for the high costs, but does not provide any specific analysis because rail electrification costs are very route-specific. See Response to Comment 26-18(g).

(g) The Draft EIS/EIR discussed the advantages and disadvantages of rail electrification and cited the high costs of electrification as the reason that rail electrification was not proposed as a mitigation measure (Appendix E, Part 4.6). Rail electrification costs, and resulting air-quality benefits, are route-specific. The SCRRA report cited in the Response to Comment 26-18d determined the following results for the cost effectiveness of NOx reductions from rail electrification:

Route type	Most Heavily Traveled ($ per ton of NO_x)	Least Heavily Traveled ($ per ton of NO_x)
Minimum cost estimate	$2,180	$143,900
Maximum cost estimate	$3,530	$233,120

The average rail electrification cost in the SCRRA report was $2,245,000 per track mile (1992 dollars). This cost figure can be used to obtain a lower-bound cost estimate for the spur line. The actual costs are likely to be higher because of the steep grades and major turns on the spur route. For the 52-mile line, the construction cost would be $116,740,000 (1992 dollars). If this cost is annualized over a 30-year lifetime with a 10 percent discount rate, the capital recovery factor is 0.1061, giving an annualized electrification

h

3. **Onsite Paving, Binders and Watering** -- Although paving and the application of water and chemical dust suppressants are listed as recommended mitigation measures, the level of effort for these measures is unspecified. DEIR/EIS, Appendix E, Table 1-10,Page 4-53 (mitigation measure AQAQ-18). For example, the frequency and quantity of watering activities is not listed, even though the dust control effectiveness of watering varies in proportion to these factors.[11] The actual percentage and/or miles of roads to be paved is unspecified as well. Since PM10 impacts are significant, each of these measure must be applied to the maximum feasible level, which should be specified in the EIR to ensure clear and objective enforceability.

[11] Secondary environmental impacts of water and suppressant use also need to be considered.

construction cost of $12,400,000 per year. For the proposed Project without mitigation, the NOx emissions for the Eagle Mountain rail line are 687 tons per year (Draft EIS/EIR, Appendix E, Part 4). For the proposed Project with mitigation, NOx emissions for this rail line are 198 tons per year (Draft EIS/EIR, Appendix E, Part 4). If the NOx emissions from the powerplants providing the electricity for this rail line are ignored, all these locomotive NOx emissions are eliminated by electrification. The cost effectiveness of electrification for the proposed Project without and with mitigation is $18,000 and $63,000 per ton of NOx, respectively.

This estimate of the cost-effectiveness of rail electrification for NOx reduction supports the conclusion in the Draft EIS/EIR that rail electrification is costly. Not only is the cost per ton large, but the estimated rail electrification cost of $116,740,000 would be difficult to finance. The actual costs are expected to be higher because of the difficult terrain involved with the Eagle Mountain rail line.

(h) The Draft EIS/EIR includes numerous mitigation measures to control fugitive dust from paved and unpaved road travel (Appendix E, Part 4.6.3). Because the miles of paved and unpaved road will change throughout the development of the proposed Project, rather than specify miles of paved and unpaved roads that need to be controlled, the mitigation section of the Draft EIS/EIR defines road types and specifies the dust control measures that will be used depending on the road classification (i.e., temporary unpaved, transitional unpaved, permanent unpaved, permanent paved). Mitigation measures define onsite permanent roads and specifies that these road will be paved. Other mitigation measures define all onsite unpaved roads and

4. **Additional SCAQMD Mitigation Recommendations** -- Comparing Table 1-10(Mitigation Measures Recommended for Project Approval) with the SCAQMD recommendations discloses that several other measures contained in the SCAQMD recommendations were either eliminated or reduced. For example, the SCAQMD recommendations suggest that: "Traffic speed on unpaved road surfaces should be reduced to less than 15 miles per hour to reduce dust emissions." This measure does not appear on the list of recommended mitigation measures. The feasibility of each of the SCAQMD recommendations must be separately analyzed before those recommendations can be eliminated. I

specify the fugitive dust mitigation measures that will be used for these roads. As written, these mitigation measures will be included in the Final EIS/EIR mitigation monitoring plan as enforceable requirements. As discussed in this section of the Draft EIS/EIR for unpaved-road fugitive dust control, the actual dust suppressant that will be used and the frequency of application will be selected based on a field evaluation of candidate suppressants that will be performed during the startup phase of the proposed Project. The mitigation monitoring plan in the Final EIS/EIR (Appendix M) includes a requirement to conduct such an evaluation of dust suppressants.

(i) The following table compares the mitigation measures recommended in the Draft EIS/EIR for the proposed Project with mitigation measures suggested in a September 17, 1991, letter from SCAQMD to BLM regarding the previous EIS/EIR. As shown in the following table, a majority of the mitigation measures suggested by the SCAQMD have been incorporated into the current Draft EIS/EIR. The mitigation measures that are not being proposed in the current Draft EIS/EIR are either not applicable to the proposed Project or are not practicable.

SCAQMD Recommended Mitigation Measures for Dust Control			
Number[1]	Description[1]	Included in Draft EIS/EIR	Comment
A-1	Cover trucks during on-road hauling and/or maintain a 2-foot freeboard height	Yes	--
A-2	Provide soil binders on site, unpaved roads, parking areas	Yes	--
A-3	Wash off trucks and their wheels when leaving site	Yes	--
C-1	Provide paved parking areas. Traffic speeds on unpaved road surfaces should be reduced to less than 15 miles per hour to reduce dust emissions.	Partial	Mitigation measures require application of dust suppressants or pavement depending on road classification. The vehicle speed limit is neither a practical nor economically feasible restriction due to the need to minimize waste haul times and prevent waste from accumulating.

SCAQMD Recommended Mitigation Measures for Dust Control			
Number[1]	Description[1]	Included in Draft EIS/EIR	Comment
C-2	Cease site restoration activity during Stage 1 and 2 episodes, and on days when winds exceed 25 miles per hour.	No	Not feasible for waste disposal activities which must continue to operate as waste is delivered to landfill by truck and rail.
C-3	Operate street-sweepers on paved roads within site area.	Yes	--
C-4	Ensure early paving of construction roads. Provide chemical stabilization of blowsand areas adjacent to paved roadways.	Partial	Mitigation measures include a requirement for application of dust suppressants or pavement depending on road classification. Blowsand areas are defined as areas located in the Coachella Valley Blowsand Zone by SCAQMD Rule 403.1.
C-5	All excavation, grading, and soil removal operations should comply with District Rule 403.	Yes	--
E-1	Spread soil binders on site, unpaved roads, and parking areas; reestablish ground cover through seeding and watering	Partial	No ground cover to re-establish at Project site.
E-2	Work relative to grading, soil dumping and dust-generation should be suspended during first and second stage smog alerts and when winds are over 25 miles per hour.	No	Not feasible for waste disposal activities that must continue to operate as waste is delivered to landfill by truck and rail.
E-3	Sweep streets if dirt is carried over to adjacent public thoroughfares.	Yes	--

SCAQMD Recommended Mitigation Measures for Dust Control			
Number[1]	Description[1]	Included in Draft EIS/EIR	Comment
E-4	Provide chemical stabilization of blowsand areas adjacent to paved roadways. Ensure early paving of construction roads.	Partial	Mitigation measures include a requirement application of dust suppressants or pavement depending on road classification. Blowsand areas are defined as areas adjacent to paved roadways located in the Coachella Valley Blowsand Zone by SCAQMD Rule 403.1 and, therefore, are not applicable.
E-5	Provide snow fence windbreaks and tree windbreaks. Tree planting should be used as wind-barriers in areas designated as open space to prevent wind erosion and dust.	No	Not feasible for the rocky terrain and exposed areas surrounding the project site.
E-6	Provide paved parking areas. Traffic speeds on unpaved road surfaces should be reduced to less than 15 miles per hour to reduce dust emissions.	Partial	Mitigation measures require application of dust suppressants or pavement depending on road classification. The vehicle speed limit is neither a practical nor economically feasible restriction due to the need to minimize waste haul times and prevent waste from accumulating.

[1]From September 17, 1991 letter from SCAQMD to Bureau of Land Management regarding Draft EIS/EIR for Proposed Eagle Mountain Landfill and Recycling Center (Table 1 - Potential Mitigation Measures For The Eagle Mountain Landfill Project).

B. The DEIR/EIS Provides No Reasoned Discussion of Its Choice of Wildlife Mitigation

1. **Ravens**. Increased raven populations and their impact on adjacent national park resources and BLM wilderness lands is one of the primary concerns regarding the proposal. Even the DEIR/EIS admits this will have adverse impact on biological resources within the park and surrounding lands. The DEIR/EIS acknowledges, at 4.7-7, that "ravens readily dig up food that is covered by 15 centimeters (cm) [6 inches] of dirt cover." As an interim measure, according to the description of the proposal, waste will be covered with 6' of soil at the conclusion of each day. (Because this same interim cover procedure will be used for all other "action" alternatives, this comment applies to those alternatives as well.) These factual statements clearly indicate that the interim cover procedure will not prevent ravens from "readily dig[ing] up waste." Consequently, the interim cover procedure is probably ineffective in controlling raven populations. 19

Despite the above factual information, the DEIR/EIS states that this interim cover is an effective mitigation measure (see 4.7-21) which enables significant impacts to be reduced to a level of insignificance (see 4.7-27). In light of the acknowledgment that a 6" cover does not deter ravens, the conclusions regarding the effectiveness of the interim cover are questionable and not supported with substantial evidence. Further, if the proposed raven monitoring program fails to work, then an active control plan, including poisoning and shooting, will be initiated, but no mention is made of potential impacts on other desert species that these measures might have. (DEIR/EIS, 4.7-21.)

NEPA requires that mitigation measures be discussed in sufficient detail to ensure that the environmental consequences of a proposal have been fully evaluated. (Laguna Greenbelt, Inc. v. U.S. Department of Transportation, 42 F.3d 517, 528 (9th Cir. 1994); Robertson v. Methow Valley Citizens, 490 U.S. 332, 352.) This requirement translates into an obligation to reveal to the public and the decision maker the effectiveness of the proposed mitigation measures. Failure to disclose this information hinders the ability of the decision maker and the public to fully appreciate the consequences of the proposal and to make an informed decision.

The DEIR/EIS's discussion of certain mitigation measures does not satisfy NEPA's disclosure requirement. Moreover, because of this failure, the DEIR/EIS's conclusions that various mitigation measures reduce project-related impacts below the level of significance are questionable. One example of the need to more fully disclose the effectiveness of a particular mitigation measure involves the analysis of the 6" interim cover. As outlined above, this measure will not deter ravens, and therefore this measure may not mitigate adverse impacts on the desert tortoise to below the level of significance.

Response to Comment 26-19

The comment that the EIS/EIR fails to provide a reasoned discussion of wildlife mitigation measures is not supported. Numerous measures intended to mitigate potential impacts to wildlife from implementation of the proposed Project, as specified in the following existing environmental documents, are included in the EIS/EIR by reference:

- California 2081 Management Agreement for the incidental take of desert tortoise and desert pupfish
- California 1603 Streambed Alteration Agreement
- Section 7 consultation authorizing the incidental take of desert tortoises and desert pupfish
- MOU among the Project proponent (MRC), CDFG, and NPS relative to bighorn sheep
- Memorandum from the Army Corps of Engineers indicating that the Project would be covered by Nationwide Section 404 Permit
- NPS Agreement with Kaiser/MRC (Appendix T)

In addition to the above, the proposed Project includes certain inherent measures that will protect or enhance biological resources in the vicinity of the landfill, including:

- The Kaiser/BLM land exchange itself
- A direct mitigation in a 2.5 to 1 ratio of Kaiser to BLM desert tortoise habitat conveyance
- contribution to the University of California for development of an experimental population of pupfish
- Creation of and contribution to an Environmental Mitigation Trust fund

Furthermore, as detailed in Section 4.7, numerous special status plant and wildlife species-specific mitigation measures are identified. This level of

detailed discussion amply complies with NEPA requirements for full disclosure for the purposes of evaluating mitigation measure effectiveness.

With regard to the comment on the effectiveness of raven control measures, the Draft EIS/EIR states (pages 4.7-20 to 4.7-28) extensive raven control measures including covering the active working area of the landfill (i.e., less than 2 acres) with a minimum of 6 inches of daily cover at the end of each working day. The active portion of the landfill also will be fenced to aid in controlling windblown trash.

A raven monitoring program will be conducted that includes a minimum of 2 years of preoperation and postclosure monitoring. This monitoring will continue for the life of the Project unless the BLM and USFWS determine it is no longer necessary. The monitoring program will include the areas of Eagle Mountain Road and the Eagle Mountain Railroad. If it is determined that landfill activities contribute to an increase in ravens, an active program (comprising nest destruction, shooting, poisoning, changes in landfill operations, and other agency-approved measures) would be instituted. Methyl anthranilate would be applied to deter landfill use. The efficacy of these measures is described in Section 4.7.3.4 of the Draft EIS/EIR, which concludes that implementation of the mitigation measures for the Project would reduce the potential number of tortoises killed to less than that authorized, thus reducing potential impacts to below the level of significance. Also, see Response to Comment 1-6.

2. **Other Wildlife Mitigation Measures**. Other examples of where the DEIR/EIS does not adequately reveal the environmental consequences associated with mitigation measures include the loss of the Kaiser adit or the questionable ability to translocate chuckwallas and purchase suitable replacement habitat. The Kaiser Mine adit houses the California leaf-nosed bat, which is a candidate for listing under the ESA and a California Species of Special Concern. (Biological Technical Report, 3-27.) The adit is a maternity roost and "is particularly important for the species as it may be the only
20 winter roost in the area." (Biological Technical Report, 4-8.) Proposed mitigation measures for the bat are considered "experimental" and "it is likely that disturbance associated with the landfill will still result in abandonment of the roost." (Biological Technical Report, 5-13.) Given that the Project Description has altered to include nighttime operation (DEIR/EIS, 1-15), the further impact of lights, noise, and human activity on this nocturnal species needs to be examined. Similarly, translocation of the chuckwalla has yet to be a successful mitigation for loss of its habitat. The DEIR/EIS discusses no other options and provides no rationale for not including alternative mitigation measures.

3. **Desert Tortoise and Bighorn Sheep.** New information about desert tortoise and bighorn sheep in and around the project site calls into question reliance on mitigation
21 measures established in the Biological Opinion which admittedly is based on 1991 file information. More recent biological surveys have identified new desert tortoise populations within the southeast bermed area of the Project. (Supplement to Biological Technical Report, 4-5.) This area was not included in the habitat compensation mitigation measure, even though "the entire bermed area is considered suitable tortoise

habitat. (Id.) "The ramifications are that any development within the bermed area could result in the take of one or more tortoises." (Supplement to Biological Technical Report, i.)

Desert Tortoise populations are at the highest density in the proposed railroad right of way area . (Biological Technical Report, Figure J.) Activating the rail line will effectively create a barrier to tortoise movement and "the threat of long-term loss of population would constitute a significant impact if not mitigated. (Biological Technical Report, 4-4.) Yet there is no guarantee that the mitigation measures - culverts and fences - will in fact allow mingling of the population. Additionally, Proponent's own consultants have found new tortoise sign "just south of the proposed landfill in the area where the rail line makes a large loop back towards the southwest." (Biological Technical Report, 4-5.) This entire loop area will have to be closed off to tortoises present or else they will be completely isolated from other tortoises.

Response to Comment 26-20

A discussion of the efficacy of mitigation for impacts to bats is included in Section 4.7.3. Based on a 1996 *Federal Register* notice, Category 2 Candidate no longer exists under the federal Endangered Species Act, thus the California leaf-nosed bat is no longer considered a candidate for federal listing but is considered a species of concern, which currently carries no protective status. This and other Category 2 candidates included in the Draft EIS/EIR have been changed in the Final EIS/EIR. Additionally, see response to comments from the CDFG regarding treatment of mitigation for bats in the Final EIS/EIR (Comments 8 and 8a). Mitigation proposed for chuckwallas that involves translocating individuals has been used successfully by the USFWS, thus the mitigation is not experimental. It should be noted that loss of chuckwalla habitat would occur over the 100-year life of the Project rather than all at one time. This would result in fewer individuals that would be translocated at once, which is likely to improve the rate of successful translocation by reducing interference with population social structure. Contrary to the comment, additional mitigation in the form of acquisition of prime chuckwalla habitat on the Chuckwalla Bench using the Environmental Mitigation Trust is included in the Draft EIS/EIR on page 4.7-20. See General Response 6.

Response to Comment 26-21

See General Response 6. These tortoises are from existing, not new populations, and within a limited area of the basin. Fewer than 10 acres of area within the basin will be disturbed. An additional 25 acres has been added to the total acreage (from 375 to 400) to be purchased for mitigation. The evidence from the Biological Opinions does support the conclusion that proposed desert tortoise measures will be effective (see Section 4.7.3.3). See also Response to Comment 28-109. The biologist will precede each train by 1 hour or less. The trains will be traveling approximately 35 mph, not 60 mph. Potential impacts will be monitored according to the MMRP (see Appendix M).

Clear evidence is not provided to show that fragmentation of population due to barriers along rail line can be remedied by culverts designed to allow tortoise passage under tracks and ballast to allow escape from with the tracks. (Biological Technical Report, 5-6-7.) No evidence is provided to show that either mitigation method works. Fencing and culverts together have been shown to be the most effective however, there is no discussion of tortoise fencing along the railroad right of way to be used with the culverts. If fencing is a mitigation measure for the road through critical desert tortoise habitat, why isn't fencing considered for the entire proposed rail right of way through critical habitat? Instead, a biologist is suggested to precede each of the six daily roundtrip train journeys and remove the tortoises found on or adjacent to the track. (Biological Technical Report, 5-6.) There is no explanation as to how this will occur: How long before the train will the biologist set out? Will he assay the tracks day and night? How can he prevent tortoises from simply heading back to the tracks? Is this even a realistic mitigation measure given that trains will reach speeds up to 60 m.p.h.? (Draft EIS/EIR, 3.3-5.) Further, who will investigate for collapsed burrows due to vibration of passing trains?

V. <u>Given the Scope of the Deficiencies in the DEIR/EIS, a Revised Draft Must be Circulated for Public Comment</u>

22 The CEQA Guidelines, at Section 15088.5, require recirculation of a draft EIR where "the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement." Among the types of new information that trigger a recirculation requirement are the following:

> (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
>
> • • •
>
> (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (Mountain Lion Coalition v. Fish & Game Com. (1989) 214 Cal.App.3d 1043).

As discussed above, key analyses and assumptions have not been presented in the DEIR/EIS. An initial review suggests that the DEIR/EIS may significantly understate the project's impacts. Landfill gas generation rates and particulate emissions rates applied in the DEIR/EIS are substantially below those rates directed by EPA and SCAQMD regulations and guidance. Long term impacts have been incorrectly analyzed through a model designed for short term impacts. As mentioned above major impacts to national park and BLM wilderness lands have been omitted. The alternatives analysis is woefully inadequate.

These flaws are so significant that meaningful public review and comment have been precluded, and a revised draft EIR must be circulated when corrections have been made in order to provide for adequate public review and comment.

Response to Comment 26-22

The comment is incorrect. The Draft EIS/EIR fully discloses and analyzes the potential impacts of the Project. There is no information presented by the comment that reflects a substantial increase in the severity of impact, nor is the Draft EIS/EIR "fundamentally and basically inadequate." In addition, the NPS, as a cooperating agency under NEPA, has determined that the EIS/EIR is "a complete analysis of the known effects of the Project upon the environment" (Appendix T). For those reasons, a revised Draft will not be recirculated.

12

WM. C. WAGGONER
Business Manager
and
General Vice-President

International Union of Operating Engineers AFL-CIO

Southern California & Southern Nevada

BUREAU OF LAND MANAGEMENT

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RETURN TO: _____

September 27, 1996

Mr. Henri R. Bisson, District Manager
Bureau of Land Management
California Desert District Office
6221 Box Springs Boulevard
Riverside, California 92507-0714

Mr. David Mares
County of Riverside
4080 Lemon Street, 9th Floor
Riverside, California 92501

RE: Errata in the Response to the Eagle Mountain Landfill Project Draft EIR

Dear Messrs. Bisson and Mares:

We would like the opportunity to rectify a few typographical errors in our response to the Eagle Mountain Landfill Project EIR. On Page 22 of our response, footnotes nine (9) and ten (10) incorrectly identify the SCAQMD rules discussion as occurring in "Appendix A"; this should read "Appendix E." Likewise, in footnote ten (10), due to recent amendments of the SCAQMD regulations, "Rule 1302 (g)" should read "Rule 1302 (k)." In the last paragraph of Page 21, "-- 21002, 21002.1, 21081" should read "Sections 21002, 21002.1, 21081."

We apologize for any confusion these errors might have caused.

Sincerely,

William C. Waggoner, Business Manager
and General Vice President
I.U.O.E., Local Number 12

cc: Secretary Bruce Babbitt
Riverside Board of Supervisors

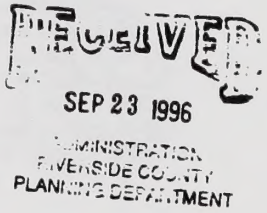
150 EAST CORSON STREET • P.O. BOX 7109 • PASADENA, CALIFORNIA 91109-7209 • TELEPHONE: (818) 792-9800

Response to Comment 27-1

In reference to the minor changes provided by the International Union of Operating Engineers, the Comment and the changes are acknowledged.

CONSERVATION LAW PROJECT
123 Townsend Street, Ste. 250 • San Francisco, California 94107
(415) 536-1993 • Fax (415) 536-1994 • clp@igc.apc.org

September 17, 1996



Mr. Henri R. Bisson, District Manager
U.S. Department of Interior
Bureau of Land Management
California Desert District
6221 Box Springs Boulevard
Riverside, California 92507

Aleta J. Laurence, A.I.C.P.
Planning Director
County of Riverside
4080 Lemon Street, 9th Floor
Riverside, California 92501

Re: **Comments on Draft Environmental Impact Statement/ Environmental Impact Report for the Eagle Mountain Landfill and Recycling Center Project, July 1996**

Dear Mr. Bisson and Ms. Laurence:

On behalf of our client, the National Parks and Conservation Association, we submit the following comments regarding the July 1996 Draft Environmental Impact Statement/Environmental Impact Report for the Eagle Mountain Landfill and Recycling Center Project.

GENERAL COMMENTS

On July 5, 1996, the County of Riverside Planning Department ("County") and the U.S. Department of Interior, Federal Bureau of Land Management ("BLM") submitted for public review and comment a Draft Environmental Impact Statement/Environmental Impact Report ("DEIS/EIR") for the Eagle Mountain Landfill and Recycling Center Project ("Proposed Project") pursuant to the National Environmental Policy Act, 42 U.S.C. § 4371 et seq. ("NEPA"), the implementing regulations of the Council on Environmental Quality, 40 C.F.R. § 1500.1 et seq., the California Environmental Quality Act, Cal. Pub. Res. Code § 21000 et seq. (CEQA"), and the regulations promulgated thereunder ("CEQA Guidelines").

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I. The Draft EIS/EIR Fails to Meet Fundamental Requirements of Federal and State Law

In 1994, the San Diego Superior Court invalidated the County's first attempt to comply with the environmental review process for the Eagle Mountain Landfill Project. The Superior Court determined that, among its deficiencies, the 1992 Final EIS/EIR stated a legally deficient project description, omitted evaluation of cumulative impacts, failed to evaluate adequately the impacts on Joshua Tree National Monument (now a National Park) and failed to support the determination that the Proposed Project would have no impact in the endangered desert tortoise. As specifically described below, the current DEIS/EIR is equally deficient. BLM and the County again have release a DEIS/EIR which fails to meet even the most fundamental requirements of federal and state law. Among its inadequacies, the DEIS/EIR sets forth a legally deficient alternatives analysis, inadequate impacts discussion and unsupported mitigation measures.

A. Inadequate Alternatives Analysis and Impacts Discussion

An adequate discussion of alternatives ensures that before the Eagle Mountain Landfill Project can be implemented, it must be determined whether disposing of the solid waste from seven counties in Southern California in a remote area of rare, pristine desert ecosystem is the most prudent, practicable and feasible method to address California's solid waste disposal issues and whether there are less intrusive means than the Eagle Mountain Landfill Project to meet waste disposal needs. It is just this determination that Kaiser, MRC, BLM and the County apparently seek to avoid.

The DEIS/EIR lacks an adequate alternatives analysis and thus does not comply with the most fundamental requirement of both NEPA and CEQA. "This section is the heart of the EIS." 40 C.F.R. § 1502.14. The failure to conduct a genuine analysis of alternatives to the Project frustrates the entire purpose of the environmental review process and renders the document little more than an advocacy piece for approval of the Project. Both NEPA and CEQA require that the document include an analysis of the environmental effects of a range of alternatives to the Project in order to inform the decisionmaker of the environmental consequences of selection of the Project as proposed. (An EIS must "[d]evote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits." 40 C.F.R. § 1502.14(d).) CEQA specifically directs the lead agency to consider alternatives that are designed to minimize or eliminate significant adverse impacts of the Project. Under CEQA, the stated objectives of a project define the range of alternatives that should be considered, in order to provide the decisionmaker with the information needed to decide whether approval of the project is appropriate from an environmental standpoint. Pub. Res. Code §§ 21100(a)(6), 21002; CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(d). Similarly, under NEPA, the "purpose and need" for a project defines the range of alternatives that should be considered. Accordingly, the objectives of the Project and the purpose and need for the Project identified in the DEIS/EIR are critical to determining the types of alternatives that should be considered.

Response to Comment 28-1

Please refer to the General Response 1 concerning need, and General Response 2 concerning alternatives.

The California Supreme Court (as reflected in subsequent amendments to the CEQA Guidelines) has clearly stated that any number of factors must be taken into consideration in determining whether an otherwise feasible alternative to a project can be eliminated from consideration. Ownership of alternative sites by a private proponent and agency jurisdiction over an alternative are only two such factors. The courts and the Guidelines make clear that where a project is not a purely private project or where there are similar projects pending that might meet the agency's objectives or satisfy the purpose and need for the project, those alternatives should be considered if otherwise reasonable, particularly if those alternatives might reduce or eliminate significant impacts of the project as proposed.

The DEIS/EIR contains several pages of information relating to the objectives of the Project and the purpose and need for the Project. Yet the alternatives actually considered in the document are nothing more than the Project, with inconsequential alternations. In fact, the alternatives considered do not seem to have been selected to explore whether the impacts of the Project could be reduced or eliminated. The matrix of impacts included in Section 1.0 reveals that, among the five alternatives, in only 15 instances (out of 242 possible points of comparison) are the impacts considered to be markedly different than the impacts of the Project, and in eight of those instances, the impacts are determined to be greater in the case of the alternative.

The objectives and statement of purpose and need for the Project clearly establish that the Project is intended primarily to provide a new Class III nonhazardous municipal solid waste landfill to meet the projected long-term demand for environmentally sound landfill capacity for a seven-county area in Southern California. There are a variety of subsidiary objectives of the Project, including providing the County with a long term income stream, finding an economically viable use for the remaining Kaiser mining products and Eagle Mountain Mine site, and providing long-term land-use and development goals for the Townsite. The document also identifies a host of other objectives ranging from providing the County with money for an environmental trust fund to providing an income stream for Kaiser retirees. None of the alternatives considered in the document even begins to address an alternative means of accomplishing any of these objectives. Rather, the document looks at five variations of the Project, all of which will have substantially the same impact on the environment, and in particular, the same impact on the sensitive wilderness that surrounds the proposed site on three sides and is protected as part of the Joshua Tree National Park ("JTNP").

The fact that Kaiser and Mine Reclamation Corporation ("MRC") have proposed the Project in order to continue to extract economic value out of property that originally was transferred to Kaiser by the U.S. Government to conduct mining operations (and with the cessation of mining is intended to revert back to the federal government) does not relieve the two lead agencies, the County and BLM, from their legal obligation to examine a range of alternatives that address the objectives and purpose and need for the Project. In fact, given that an economically viable use of the Kaiser site is one of the stated objectives, by law, the analysis should contain an examination of other potential uses of the site. Kaiser has suggested that if the Project does not go forward it would continue its limited "mining related" activities of selling the material stockpiled on the site. Given that Kaiser has systematically dismantled its mining

operations, it appears likely that these statements are simply self-serving attempts to maintain control over the land, and avoid having the property revert to the U.S. government, long enough to trade the land back to the government for something else of value. However, if Kaiser genuinely anticipates that it can continue to obtain economic value from the property, this alternative should have been explored in greater detail than the cursory treatment given to the "No Project" alternative. It would also be highly informative for the federal lead agency if the document were to explore, why in fact, providing Kaiser with an economically viable use for the property is a valid objective of the U.S. government given that the current interest in the property held by Kaiser would revert back to the government if Kaiser does not intend to continue mining on the site. Possibly regaining ownership of the site and discontinuing commercial activities on land surrounded by a national park is an alternative BLM should seriously consider as an alternative to the land exchange.

The DEIS/EIR at a minimum should include an analysis of a range of waste disposal options, including regional landfills located in the areas of the waste generation (near the "waste centroids") and other rail-haul sites, and other waste management options, such as increased diversion and recycling, and waste-to-energy. The document concedes that more than one rail-haul project will not be needed until the year 2020 and even then it is unclear that all of the sites currently proposed are needed. It is not clear that <u>any</u> rail-haul sites are currently needed given current waste generation rates and the availability of new and expanded regional landfills in the counties where the waste is generated. In fact, a document under review by another federal agency, the U.S. Forest Service has suggested that in-County landfill capacity can meet the needs of Los Angeles County in the near-term. The needs analysis contained in this DEIS/EIR concedes that even Riverside County does not need additional capacity in the short and medium term and that other options exist, and are under consideration, for meeting regional needs within the east and west County.

The agencies cannot avoid conducting an analysis of alternatives simply because waste generation can be projected for 50, 75 or 100 years -- and a three or four rail-haul site arguably may be needed. By the same token, one could project that waste diversion and recycling may expand dramatically in 100 years as raw materials and resources become scarce and prices for recyclables increase. All of these projections are at best speculative and cannot be used to rationalize the failure to conduct a legally adequate alternatives analysis.

2 It may be that the lead agencies feel that a valid alternatives analysis is not needed because the significant residual impacts identified in the document are not important enough to merit an real examination of whether the objectives of the Project can be met in a more environmentally sound fashion. Certainly the document was written (as will be discussed below in detail) to support a conclusion that this Project will have few, if any, significant environmental effects that cannot be mitigated. The notion that one of the largest landfills in the world, slated to operate for 100 years on land surrounded by a national park that is protected as wilderness area, can be constructed and operated without significant environmental impacts on the surrounding land, is simply not credible. The lead agencies manage to reach this conclusion by developing significance standards that allow for substantial impacts to be dismissed as insignificant, and that in no way

Response to Comment 28-2

The EIS/EIR has evaluated each of the impacts of the Project to determine whether those impacts are "significant" for purposes of CEQA, which (unlike NEPA) requires the adoption of feasible mitigation measures for any significant impacts. Recognizing the proximity of the Project site to JTNP, the lead agencies worked closely with the NPS in developing qualitative and quantitative significance thresholds. Although judgments about the significance of particular impacts inevitably involve a degree of subjectivity, the EIS/EIR relies to the greatest extent possible on objective, quantifiable standards that are clearly described in the document. The lead agencies have concluded that these standards provide a reasonable basis for evaluating the full range of environmental impacts that may be caused by the Project, including potential impacts on JTNP. Please see General Response 3.

reflect the sensitive location of this Project. Once an honest appraisal of the impacts of the landfill's operations is conducted, the need for a sound analysis of alternative waste management options will be obvious.

The analysis of the Project's impacts should include an analysis of all of the impacts of disposing of waste by rail-haul in order to compare the Project to other waste management options. The document currently tells only half the story. In order to evaluate the impacts of the Project and compare those impacts to other waste management options, the document must explore the impacts associated with transferring the waste to the rail loading facilities that are needed to transport the waste out to the desert. The rail transfer stations are designed to serve rail projects and the impacts from transferring waste within the urban areas of the seven counties are just as much impacts of the Project as the impacts from the trains that transport the waste (In particular, the document should explore whether Kaiser or MRC has entered into any agreement or discussions with specific transfer stations that are being built in part to serve Eagle Mountain.)

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This issue is critical for purpose of comparing the impacts of a rail-haul site to development of new regional capacity in areas closer to the waste centroids. Use of rail-haul as a disposal option, instead of managing the waste in the areas where it is generated, is likely to result in longer haul distances to the new rail transfer facilities or an additional transfer step (from existing transfer stations that are not near rail lines), as well as the construction of new transfer facilities and MRFs near rail lines.

In light of the fact that all of the proposed landfill sites under consideration in the Southern California region may not be needed, the two lead agencies are legally compelled to consider some of the other readily available waste management options that exist for meeting the objectives of this Project before blindly approving the Kaiser/MRC proposal. The Eagle Mountain Landfill is proposed to be constructed and operated for 100 years on land surrounded by a national park devoted to wilderness values, while other landfill capacity is readily available in less sensitive areas. If ever an honest analysis was needed to determine whether the objectives of a Project could be met in a more environmentally sound fashion, this is it. The DEIS/EIR needs to be substantially revised to reflect all of the impacts of the Project, to analyze those impacts in light of significance standards that reflect the truly sensitive area in which this Project is proposed to be constructed and operated, and to analyze the alternatives readily available to meet the stated objectives of the Project.

B. Ill-Defined and Inadequate Mitigation Measures

CEQA requires that if a project will result in significant environmental effects mitigation measures must be described in the EIR in sufficient detail to evaluate whether it will result in a reduction in the impacts caused by the project. Cal. Pub. Res. Code § 21002. The mitigation must contain standards for evaluating the effectiveness of the measures and for ensuring compliance. The agency must also adopt a "reporting or monitoring program" designed to "ensure [mitigation] compliance during project implementation." Cal. Pub. Res. Code §

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Response to Comment 28-3

The siting, construction, and operation of materials recovery facilities (MRFs) and transfer stations (TS) are not part of the proposed Project. Section 1.2.1 discusses the status of the analysis of MRFs/TSs in relation to the Project site. Section 2.1.4.2 of the Draft EIS/EIR specifically discusses the transfer of wastes from various areas proposed to be served by the Project and Section 4.1.4.3 identifies vehicular and rail haul routes to the Project site. The San Diego County Superior Court, in its August 1994 ruling on the original EIS/EIR, determined that offsite MRFs and TSs were not part of the Project; this determination was upheld by the Fourth District Court of Appeal in January 1996. Both the trial court and the Court of Appeal determined that detailed environmental review of MRFs and TSs should be undertaken by local land-use permitting agencies on a meaningful site-specific basis. The Draft EIS/EIR, Traffic and Transportation, and Air Quality analyses do, however, evaluate the impacts associated with transportation of waste from the various source areas that will send waste to the Project.

The Draft EIS/EIR (Section 1.2.1, page 1-11) discusses the status of the analysis of MRFs/TSs in relation to the Project site. In summary, MRFs and TSs to be located in Southern California are not part of the Project and detailed, site-specific review of each of these current MRF/TS proposed facilities is not required. Also, see General Responses 1 and 3.

Response to Comment 28-4

The comment is not correct in stating that the mitigation measures for the Project described in the Draft EIS/EIR are "generally lacking specificity" and often rely on "future study." Examples of mitigation measures include detailed landfill design and construction requirements to mitigate potential impacts to water quality (Sections 4.1, 4.9); transfer vehicle restrictions, set-back and height restrictions, dust control, and landscaping to mitigate potential impacts to residential and correctional facility users (Section 4.4); installation of perimeter drainage systems and final landfill slope configurations to mitigate potential drainage impacts (Sections 4.6); installation of water sources for bighorn sheep, habitat preservation, species translocation, in addition to creation of the environmental mitigation trust and required long-term monitoring to mitigate impacts to the Bighorn sheep

21081.6(a). The mitigation measures described in the DEIS/EIR generally lack specificity and often rely on future study or evaluation to determine if the mitigation will be successful in reducing the impacts of the Project. In other instances, the DEIS/EIR relies on a contribution to environmental mitigation funds to mitigate serious impacts. How the impacts will be actually mitigated must be spelled out in the document.

In order to rely on mitigation to reduce significant impacts, the document must demonstrate that the mitigation will be effective. Specifically, the mitigation contained in 1) the visual resource analysis, particularly as it relates to litter, dust and nighttime lighting, 2) the air quality analysis, again as it relates to fugitive emissions and mobile source emissions, 3) the land use section, relating to impacts from expanded habitation of the Townsite (which is deferred to actual development of the Specific Plan and 4) the biological resources section, relating to impacts on desert tortoise, the leaf-nosed bat, and the bighorn sheep, lacks the required specificity, improperly defers development of mitigation and lacks any mechanism to ensure the effectiveness of and compliance with the mitigation measures.

C. Cumulative Impacts/Cumulative and Connected Actions

Both NEPA and CEQA require that the Draft EIR/EIS evaluate the cumulative impacts of the Project and other past, present and future actions or projects. "The requirement for a cumulative impact analysis must be interpreted so as to afford the fullest possible protection of the environment within the reasonable scope of the statutory and regulatory language." Citizens to Preserve Ojai v. Board of Supervisors, 176 Cal. App. 3d 421, 431-32, 222 Cal. Rptr. 247 (2d Dist. 1985). In addition, under NEPA, BLM is required to consider connected, cumulative and similar actions, including actions that cannot or will not proceed unless other actions are taken previously or simultaneously.

5 The impacts of transferring the waste destined for the Project (for example, transportation and air impacts) within urban areas of the seven counties should be discussed as cumulative, if not secondary or indirect, impacts of the Project. The agencies cannot avoid discussing the impacts associated with the transfer step of the rail-haul operation simply because the Court of Appeals ruled that the construction and operation of new transfer stations and MRFs are not actually part of this Project for purpose of conducting an environmental review of those facilities. The Court relied heavily on the fact that at the time the previous EIS/EIR was certified the development of transfer stations (including locations and impacts) was speculative. At this point, there is an abundance of information available in EIRs on the impacts of the transfer operations generally, as well as impacts that will occur in specific locations along side rail lines. Regardless of the ruling of the California Court of Appeals, the impacts of waste transfer activities necessitated by rail-haul disposal would be considered cumulative impacts, or cumulative or connected actions, under NEPA and it is incumbent on BLM to assess these impacts before approving any land exchange.

At a minimum, a general discussion of the impacts associated with transferring 20,000 tons of waste each day at urban rail transfer facilities would be easy to present in the document so that the true impact of rail- haul can be assessed. In fact, the draft EIR prepared by the U.S

(Section 4.7); and limitation on the size of the landfill working face, requirements to color-blend final landfill cover materials to the extent practicable, construct the landfill cover to resemble natural contours of nearby landscape to mitigate potential visual impacts of the Project (Section 4.10).

Response to Comment 28-5

The Draft EIS/EIR examines the impacts associated with the transportation of waste by rail to the Project site, to the extent that such impacts are foreseeable. Specifically, the EIS/EIR identifies the potential rail-haul routes from the areas of waste generation to the Project site, and evaluates the transportation, public safety, and air quality impacts associated with those routes. Please refer to Sections 4.3 (Traffic and Transportation) and 4.4 (Air Quality) of the EIS/EIR. In addition, the EIS/EIR also contains information about the Materials Recovery Facilities (MRFs) and transfer stations that could serve the Project. Please refer to Section 1.7, Table 1-6, and Section 4.0. The cumulative impacts section addresses cumulative rail impacts in Section 5.5. Also see Response to Comment 28-3.

Forest Service for the Elsmere landfill contains a detailed discussion of specific rail transfer facilities in its alternatives analysis and examines the additional impacts that would result from additional transportation activities within the urban areas to accommodate rail-haul disposal. This analysis is readily available to the lead agencies and should be included in this document.

Specifically, the document should discuss the impacts associated with any additional movement of the waste to reach the rail facilities (for example, traffic, air and nuisance impacts) as well as a general discussion of the impacts from the operation of rail transfer facilities (including air, land use and traffic impacts). This analysis is critical to comparing rail-haul to other waste management options in the area of waste generation, and assessing the contribution to environmental problems associated with mobile sources in the urban areas of Southern California. The two agencies considering the Project must have the opportunity to consider whether it makes sense from an environmental standpoint to haul waste by truck for transfer to rail containers and then 200 miles by train through the congested urban areas of Southern California, instead of disposing of the waste in the area of waste generation.

II. The DEIS/EIR Improperly Omits Any Discussion of the Proposed Land Exchange, Its Impacts, Alternatives or Compliance With the Substantive Requirements of FLPMA

Implementation of the Project is wholly dependent on the completion of various land exchanges between BLM and Kaiser. Under the applicable regulations, such exchanges may occur "only after a determination is made that the public interest will be well served." 43 C.F.R. § 2200.0-6(b). This determination must be based on an environmental analysis prepared in accordance with NEPA and its implementing regulations and must take into consideration "the environmental policies and procedures of the Department of the Interior and the Bureau of Land Management." 43 C.F.R. § 2200.0-6(h). Moreover, only those land exchange proposals that are in conformance with land use plans or plan amendments may be considered by BLM. 43 C.F.R. § 2200.0-6(g). Because the lands in question fall within BLM's California Desert Conservation Area ("CDCA") Plan, the NEPA analysis must consider all applicable land use and resource policies and/or exchange criteria set forth in that Plan, as well as the general exchange policies and procedures established in BLM Manuals and Handbooks 2200 and 9310 and elsewhere. See 43 C.F.R. § 2200.0-7(a). Contrary to these explicit requirements, the DEIS/EIR does not discuss any of the relevant criteria, policies or procedures applicable to the proposed BLM/Kaiser land exchange transactions.

In making the required determination, the BLM decision officer must give "full consideration" to the opportunities for achieving federal land management objectives and meeting the needs of state and local residents. 43 C.F.R. § 2200.0-6(b). In particular, the decisionmaker must find that: (1) the resource values and the public objectives of the lands to be conveyed do not exceed the resource values of the non-federal lands to be acquired and (2) the intended use of the conveyed lands will not significantly conflict with established management objectives on adjacent federal lands. Id. These findings must be supported and documented in the administrative record for the decision. Id. In other words, before proceeding with the proposed Kaiser land exchanges, BLM must provide a thorough comparative analysis of and document the

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Response to Comment 28-6

Section 1.2.4 of the EIS/EIR discusses the federal role in the Project, including the request for BLM approval of the land exchange and two rights-of-way. Section 2.1.1 describes the terms of the proposed land exchange in detail, identifying the parcels proposed for conveyance by Kaiser and BLM and describing in general terms the relevant BLM land uses plans and policies. (Section 2.1.2 provides similar information for the proposed rights-of-way). Section 3.5.3 provides a detailed description of all relevant land use plans and policies, including an extended discussion of BLM's California Desert Conservation Area (CDCA) Plan, as well as NPS and Riverside County land use plans and policies. Section 3.10 (Visual and Recreation) and Section 3.11 (Wilderness) also address relevant BLM and NPS plans and policies, as those policies relate to specific resource categories. Finally, the EIS/EIR thoroughly considers the consistency of the proposed action with all of these plans and policies in Section 4.0, primarily in Sections 4.5, 4.10, and 4.11. The formal findings required under FLPMA for land exchanges will be made, if the land exchange is approved, in the Record of Decision. It is not appropriate, however, to make such findings prior to the completion of the environmental study. Please see General Response 4.

proposed land exchange and its impacts on surrounding resource values

The same defects plague the discussion of lands to be conveyed from Kaiser to BLM in exchange for additional parcels within the Project site. Apparently some or all of the railroad right-of-way lands offered to BLM by Kaiser are subject to a reverter to the United States after mining-related uses are terminated -- although, again, the DEIS/EIR does not delineate the legal status of each individual parcel. If most of the real property interests that Kaiser is proposing to "exchange" are, in fact, rights-of-way subject to reverter, there is a strong argument that BLM will receive essentially no value for the proposed exchange because the offered lands already have reverted or will soon revert to the federal government. In that case, the proposed land exchange would directly contradict the BLM's unconditional obligation to ensure that "all lands or interests to be exchanged shall be of equal value." 43 C.F.R. § 2200.0-6(c) There is no way for the public or the decisionmaker to fully understand the implications of the proposed exchange, or its compliance with applicable BLM authority, unless the EIS/EIR provides a clearer and more detailed discussion of the ownership interests of the affected parcels.

In addition to explicating the various ownership interests attached to the various parcels proposed for exchange, the EIS/EIR must provide an actual analysis -- not just unsupported conclusions -- for its statements that the lands offered by Kaiser will provide prime habitat for the desert tortoise and other endangered, threatened or sensitive species. See DEIS/EIR at 2-8. For instance, the document should describe the resource and environmental values presently associated with these isolated Kaiser parcels, their place and importance in the overall BLM strategy for protecting biodiversity in this area, and the impacts of allowing rail haul to continue through these lands after the exchange. In the absence of a description of the environmental resources on these lands or of their connection to other protected critical habitat, it is impossible to determine whether or not they will actually "contribute to the BLM's goals of protecting sensitive species, result in more efficient management of the [Salt Creek Area of Critical Environmental Concern], and contribute to the BLM's efforts to promote biodiversity in the state," as the DEIS/EIR baldly concludes. Id

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As but one example of the document's inadequacy in this regard, the only discussion of the Salt Creek ACEC states that the area was designated to protect the desert pupfish and is presently proposed to be increased in size from 4,000 to approximately 15,000 acres. Draft EIS/EIR at 3.5-19. Obviously, the proposal to add 9,000 acres to this preserve is independent of the proposed land exchange for this project and raises the unanswered question of how the addition of scattered pieces of Kaiser land would enhance biodiversity or contribute to BLM's goals for this area. To satisfy BLM's obligations under its land exchange regulations, the EIS/EIR must include an assessment of the biological resources contained on the offered lands and must compare the resource value benefits of acquiring these lands with the resource values that will be relinquished by conveying the Project site lands adjacent to Joshua Tree National Park to Kaiser for solid waste landfill.

Moreover, the regulations are clear that BLM "shall not accept lands in which there are reserved or outstanding interests that would interfere with the use and management of land by the

Response to Comment 28-7

Please General Response 4.

resource values for the parcels to be exchanged and must weigh the various benefits and costs to the general public interest of the action in its NEPA analysis of the proposed exchange.

Contrary to these directives, the Eagle Mountain DEIS/EIR only briefly mentions (in the general Project description chapter) the various land exchanges proposed as part of the Project, without providing any significant analysis or supporting documentation of the resource values for the parcels under consideration. This cursory discussion fails to present an assessment of the present legal status of these lands, their existing environmental characteristics or their importance to the larger federal land management objectives in this region. In the absence of this information, it is virtually impossible for the public to understand exactly what is being proposed as part of the land exchange transactions or what the actual impacts of these transactions will be.

To begin with, the DEIS/EIR does not provide a clear picture of the present ownership status of the various parcels involved in the exchange. The document merely states that BLM will convey 3,481 acres of public land to Kaiser, including presently unencumbered parcels, lands encumbered with unpatented claims and lands subject to a federal reversionary interest, in exchange for 2,486 scattered acres of land along Kaiser's Eagle Mountain Railroad. DEIS/EIR at 2-4. The accompanying maps do not distinguish which BLM parcels fall into which ownership categories (encumbered, unencumbered, reversionary interest, etc.). Additionally, the document notes that Kaiser holds a patent to 465 acres of the Project site, issued by BLM in 1955, subject to reverter if the land is not used for a period of seven years for mining-related purposes. Id. at 2-8. It is not possible from this vague and confusing sketch of ownership interests to discern whether Kaiser actually holds any lands in fee simple absolute at the Project site or whether all of its holdings are subject to reverter once mining-related activities cease.

The missing information is critical to a full assessment of the land exchange impacts because it bears directly on potential alternative future uses of the site in the event that the land exchange does not occur and the landfill is not constructed in its presently proposed location. For instance, if all or much of the "Kaiser land" in the project area is subject to a federal reversionary interest, the potential for this area to enhance resource values in the adjacent Joshua Tree National Park is increased because the land properly reverts to BLM with the termination of mining activities and can be used to protect and buffer nearby park resources. In fact, there is evidence that at least some of the Kaiser patented lands have already reverted to federal ownership based on the cessation of mining activities some 13 years ago "because the ore deposits are no longer considered economically feasible to mine." DEIS/EIR at 3.9-27. As the DEIS/EIR notes:

> According to the County of Riverside, vested mining rights no longer exist at the Eagle Mountain Mine because iron ore mining ceased in 1983, and future mining of the site would require the issuance of a permit in accordance with County Ordinance 555.

Id. Although the EIS/EIR obviously cannot resolve the legal status of these lands, it must provide a better understanding of precisely which parcels at the Project site are subject to precisely what ownership interests and reservations so that the decisionmaker and the public can fully assess the

United States or would otherwise be inconsistent with the authority under which, or the purpose for which, the lands are to be acquired." 43 C.F.R. § 2201.0-8(c)(ii). Based on the sketchy description contained in the DEIS/EIR, it appears that such expressly prohibited conduct is precisely what BLM and Kaiser are proposing in this instance. Kaiser's "offered lands" along the railroad right-of-way are acceptable to BLM ostensibly because they provide important habitat for the desert tortoise (although, as we noted above, there is virtually no analysis of these lands or documentation for this conclusion in the EIS/EIR). Even if BLM's unsupported rationale for the exchange is accepted at face value, there remains a large, unanswered question of whether the BLM's objectives could be achieved by the exchange as it is presently configured because Kaiser intends to reserve the right to use the railroad running through the exchanged lands to regularly haul garbage to the Eagle Mountain Landfill, thereby impairing the very habitat values on which the proposed exchange is purportedly based. The DEIS/EIR does not contain any discussion of this overarching regulatory constraint or explain how BLM's proposed exchange could possibly be consistent with it. It is thus impossible for the public to understand from the existing document the basis for any affirmative BLM decision to proceed with the exchange action.

III. National Park Protection Statutes Reach Beyond Park Boundaries To Restrict External Threats to Park Values and Resources

There is substantial legal precedent for the National Park Service to act in defense of park resources threatened by activities conducted outside of park boundaries. Case law affirms that the National Park Service Organic Act, as amended, and various park enabling statutes, authorize the NPS to affirmatively prevent impairment of park resources from external threats. Nevertheless, the DEIS/EIR contains incorrect allegations that the NPS policies, guidelines, and land use
8 requirements do not directly apply to activities conducted at the Project site. To the contrary, the threat of potential impacts on park values and resources from the Proposed Project triggers the NPS mandate to affirmatively prevent park resource degradation.

In 1916, Congress created the National Park Service to manage the irreplaceable natural resources in accordance with a single, fundamental purpose -- to provide for the enjoyment of the national parks, monuments and reservations *unimpaired* for future generations. 16 U.S.C. § 1 (NPS Organic Act). The Organic Act's mandate was later reaffirmed and expanded by Congress under the Redwood Amendments of 1978:

> The authorization of activities shall be construed and the protection, management, and administration of these [park] areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these areas have been established, except as may have been or shall be directly and specifically provided by Congress.

16 U.S.C. § 1a-1. Applicable judicial precedent incontestably hold that the Act's charge to protect the national parks, together with the park enabling statutes, provide the legal basis for protection from externally-generated threats to basic park resources and values. In Sierra Club v. Department of the Interior, 398 F. Supp. 284 (N. D. Cal. 1975), the court held that a failure to

Response to Comment 28-8

See General Response 3. The EIS/EIR states that "[f]or both agencies [BLM and NPS], however, the implementation of these management principles generally applies only to lands under the ownership and administration of the federal government. Activities on adjacent privately owned lands generally are managed in accord with local land use provisions, such as local or county zoning codes." In this case, however, the NPS does not purport to exercise any jurisdiction over the privately owned lands or lands that BLM manages within the Project site or over any other lands located outside the boundaries of JTNP. Instead, the NPS has participated as a cooperating agency in the study process for the purpose of evaluating potential impacts on JTNP resources. In playing this important role, the NPS has contributed to ensuring the thoroughness and adequacy of the EIS/EIR. The NPS has signed an Agreement with the Project proponents detailing specific obligations of both parties (see Appendix T).

take action to protect Redwood National Park resources from damage caused by activities conducted on lands adjacent to the park violated the duties imposed on the Park Service under the Organic Act and Redwood National Park's enabling statute. Later, another court affirmed that the NPS "has an absolute duty, which is not to be compromised, to fulfill the mandate of the 1916 Act to take whatever actions and seek whatever relief as will safeguard the units of the National Park System." Sierra Club v. Andrus, 487 F. Supp. 443 (D.D.C. 1980).

The values and purposes for which JTNP was established were articulated in 1994, when Congress enacted the California Desert Protection Act, Pub. L. 103-433, title IV, October 31, 1994, 108 Stat. 4487 ("CDPA"):

> the monument boundaries as modified in 1950 and 1961 exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, archeological, paleontological, cultural, historical and wilderness values;

16 U.S.C. § 410aaa-21. Accordingly, Congress determined that Joshua Tree National Monument should be enlarged by over 234,000 acres and afforded full recognition and statutory protection as a National Park. Id. Congress further designated these lands wilderness area. Id.

JTNP's boundaries now surround the Proposed Project site on three sides. Despite a clear Congressional Act designating these lands National Park wilderness areas, the status of these lands is consistently misrepresented throughout the DEIS/EIR. An accurate and clear identification of the status of lands surrounding the Proposed Project, particularly with respect to
9 JTNP, is lacking throughout the DEIS/EIR.

Through the CDPA, Congress recognized and sought to limit the very impacts threatened by the Proposed Landfill, an "incompatible development" within "contiguous Federal lands of essential and superlative . . . values." While statements in the DEIS/EIR seek to belittle the significance of the presence of a National Park which virtually surrounds the Proposed Project, all potential impacts on the values and resources of JTNP must be disclosed as affirmative violations of existing federal law and, as such, significant adverse impacts of the Proposed Project.

SPECIFIC COMMENTS

The following comments address specific sections of the DEIS/EIR. These comments are intended to supplement those already discussed in the General Comments section,
10 and should in no way be construed to limit the scope of the General Comments. All comments submitted by the National Park Service and the National Parks and Conservation Association regarding this DEIS/EIR, including administrative drafts, are incorporated herein by reference.

2.0 Description of the Proposed Action and Alternatives

The project description must be accurate and consistent throughout an EIR. "An

Response to Comment 28-9

The Comment that the EIS/EIR misrepresents the status of NPS administered lands in the vicinity of the proposed Project is not accurate. To the contrary, the EIS/EIR has fully and consistently referenced the location and status of NPS administered lands throughout the document and supporting technical appendices, both in terms of text and graphical descriptions. With regard to Project-related impacts, each resource area environmental consequence addressed in Section 4.0 contains subsections focused specifically on potential impacts to JTNP. The same is true of the cumulative impacts addressed in Section 5.0. In this light, all potentially significant adverse impacts to NPS-administered lands that have been identified during the analyses conducted in support of this EIS/EIR have been fully disclosed, as required under CEQA and NEPA. Also see General Response 3.

Response to Comment 28-10

As part of the proposed land exchange, Kaiser would convey to BLM approximately 2,846 acres of lands. These lands include prime habitat for the federal- and state-listed threatened desert tortoise and for other federal- and state-listed endangered, threatened, and sensitive animal and plant species. If BLM acquires the offered lands from Kaiser, the lands would become part of a 20,000-acre natural preserve that includes the Salt Creek/Dos Palmas Area of Critical Environmental Concern. BLM would manage the lands in accordance with appropriate federal and state guidance and policies, including the USFWS Desert Tortoise Recovery Plan and the BLM Desert Conservation Area Plan, as amended. In addition, BLM would enforce the extensive mitigation measures that are imposed on the operation of the rail line that runs between Ferrum Junction and the Project site. As discussed in Section 4.7 of the EIS/EIR, the USFWS has issued a "no jeopardy" Biological Opinion for the desert tortoise, desert pupfish, and other sensitive species, based on the mitigation measures that will be required for the Project. See General Responses 4 and 6.

accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." County of Inyo v. City of Los Angeles, 71 Cal. App. 3d 185, 193, 139 Cal. Rptr 396 (3d Dist. 1977); Santiago County Water District v. County of Orange, 118 Cal. App. 3d 818, 829-830, 173 Cal. Rptr. 602 (4th Dist. 1981); CEQA Guidelines § 15124. "Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefits against its environmental costs, consider mitigation measures, assess the advantage of terminating the proposal (i.e. the "no project" alternative) and weigh other alternatives in the balance." County of Inyo, supra, 71 Cal. App. 3d at 192-92. As discussed below, the inaccurate and unstable project description in the DEIS/EIR is legally inadequate.

Please describe any existing restrictions on the use of the "offered lands". Are they protected from development currently? Will BLM accord the lands any greater protection if it approves the exchange?

The "offered lands" will be traversed by the rail line. How does this affect the biological resources on those lands? Does it undermine protection of the resources, particularly species habitat? The document repeatedly claims that the exchange will result in a benefit by protecting the "offered lands." Given that the lands are not currently used for anything and as a result of the Project, rail trips through the lands will increase, how are the lands receiving greater protection?

How and when did Kaiser obtain the "offered lands"? Are they subject to any reversionary interest in the U.S. Government? Were they transferred to Kaiser in connection with its railroad right-of-way? Would the habitat on the lands receive greater protection if the exchange did not go forward and the rail right-of-way reverted back to the U.S. Government?

11 Is transfer of the "offered lands" as part of the proposed exchange used as mitigation for impacts of the Project, for example, for habitat protection to offset habitat loss resulting from the Project? Mitigation of the Project impacts should be independent of the exchange, particularly if the "offered lands" cannot be developed under existing restrictions.

12 How were the "offered lands" selected for exchange? Please provide a detailed description of the resources on the lands, including the biological resources. If the lands are used for mitigation in any degree, please compare the lands specifically with the resources impacted by the Project and describe how the land will be protected.

13 How was the economic value of the "offered lands" derived? Did the calculation of the economic value take into consideration any reversionary interest in the lands or in the rail right-of-ways?

Response to Comment 28-11

Mitigation proposed would require the Project proponent to transfer up to 400 acres of additional land to BLM; however, that transaction would be separate from the land exchange. For example, as noted in Section 4.7, to mitigate the loss of 160 acres resulting from improvements to Eagle Mountain Road and potential fragmentation caused by the road, the BLM would receive 400 acres (a 2.5 to 1 replacement ratio) of desert tortoise habitat from Kaiser. This acreage represents a direct replacement of desert tortoise habitat and is in addition to acreage involved in the land exchange. See General Response 6.

Response to Comment 28-12

Refer to General Response 4.

Response to Comment 28-13

As referenced in the Draft EIS/EIR (see Section 2.1.1), the land exchange must be made in accordance with the requirements of the Federal Land Policy and Management Act of 1976 (as amended) and implementing regulations, which include the requirement of an appraisal of both the Offered and Selected Lands. Appraisals were previously performed on the Offered and Selected Lands and have been updated and reviewed by the BLM. The BLM's appraisals are part of the Administrative Record for this Project, and a summary of the updated appraisals is included as Appendix V of the EIS/EIR. Kaiser owns the approximately 461 acres in and around the Townsite covered by PL 790, subject to a reversionary interest of the United States in that land. The reversionary interest will be removed (i.e., conveyed) by the BLM as part of the land exchange. Per BLM's instructions, both the previous and the updated appraisals valued the reversionary interest being conveyed from BLM to Kaiser as a fee simple interest (exclusive of Kaiser-owned and -financed improvements) when determining the value of the Selected Lands. Thus, if the transaction is completed, BLM would receive the benefit of the higher valuation.

What is the basis for the claim that if the Project does not go forward, mining will continue at the site? Please describe the reversionary interest in the Kaiser lands and rail right-of-ways held by the U.S. Government. If the landfill does not go forward and Kaiser finishes
14 dismantling its mining operations, wouldn't the land revert to the U.S. Government? Describe the relevant legal provisions governing what constitutes mining activities on the part of Kaiser that

Response to Comment 28-14

Kaiser has continued to maintain and pay assessments for its mining claims and rights-of-way since full-time active mining was curtailed. This includes site, railroad, and drainage maintenance and shipments of iron ore by rail from the site. The reversionary interest of the United States in the lands patented to Kaiser in 1955 under PL 790 is discussed in Section 2.1.1.3 of the Draft EIS/EIR ("Reversionary Interest in Townsite Area and Rights-of-Way"). The BLM has determined, based in part on the legal opinion of the Regional Solicitor of the United States Department of the Interior, that the reversionary interest under PL 790 has not been triggered. Kaiser has not stated its specific future plans for development or use of its lands if the land exchange is not completed. However, Kaiser could continue its current reduced level of mining and mining-related activities, in which case, the lands in question would remain under Kaiser's control. The "No Project" alternative is addressed throughout the Draft EIS/EIR. Existing land uses and mining-related activity are described in Sections 3.5.1, 3.9.3.1, and 4.1 of the Draft EIS/EIR. If Kaiser proposed to resume full-time, full-scale mining, additional environmental documentation in compliance with state and local laws would be prepared.

has prevented the land from reverting to the government.

15 Explain the difference between patented and unpatented mining interests and describe fully what would happen to all of the lands involved in the Project ("selected", "Kaiser-owned", "offered" and the right-of-ways) if the Project does not go forward and Kaiser is not actually mining on the property.

Please provide a better description of the rail loading facilities needed to serve the rail-haul disposal site. Transfer stations and MRF impacts should be considered at least as cumulative impacts. The impacts of these facilities are not speculative nor remote -- over 25 such facilities, including facilities along rail lines are already existing or permitted and at least one, in the nearby
16 town of Indio, is currently proposed. These impacts are already documented could easily be incorporated into this document.

Please describe the transfer activities necessary to get the waste to the rail lines. Will waste ever be transferred more than one time (e.g. processed through existing transfer stations and MRFs and then trucked to rail loading facilities)? Are the rail haul transfer stations located close to the site of waste generation? Please provide mileage estimates for the movement of waste within the urban areas of the seven counties necessitated by the rail-haul disposal sites that would not occur if the waste was disposed of near the area of waste generation.

Explain why the reduced volume alternative was selected for comparison to the Project. What is it intended to show in terms of a reduction in impacts? Isn't it irrelevant until over 25
17 years from now when MRC proposes to increase disposal to 20,000 tons per day? Wouldn't a more plausible reduced scale alternative examine a smaller footprint and reduced daily tonnage? Is that the purpose of examining the Kaiser-owned lands alternative?

Response to Comment 28-15

Patented mining interest occurs on lands in which Kaiser has fee simple title. Unpatented mining claims are lands in which Kaiser continues to pay mining assessment fees, but for which the federal government holds ultimate title. An unpatented mining claim is a lode-mining claim or placer-mining claim located and held under the General Mining Law of 1872, as amended, for which a patent under the General Mining Law and applicable regulations has not been issued. The claim locator (in this case, Kaiser) obtains an exclusive possessory interest in the claim. The underlying fee title remains with the federal government until a patent is issued. A patented mining claim is one that, following specified procedures, the federal government has conveyed its legal title to the claimant in fee. If Kaiser stopped maintenance and other mining-related activities, title to the land could revert to the United States. Regarding Kaiser's plans for the site if the Project does not go forward, please see Response to Comment 28-14 above.

Response to Comment 28-16

Please refer to Response to Comment 28-3 and see Table 1.2, Section 1.2.1 and Section 2.1.7.2 of the Draft EIS/EIR.

Response to Comment 28-17

Two smaller-sized projects were selected to provide the decision-makers a reduced project to compare impacts and benefits to the Proposed Action. The Reduced Volume alternative in this review is the same as the Reduced Volume alternative from the previous EIS/EIR completed in 1992. The reduction in impacts would primarily be from less train traffic and lower air emissions. The comment is correct that these reductions would probably not occur until year 20, but this is dependent upon the increase of waste volume coming to the Project over time. The Landfill on Kaiser Land Only alternative is discussed in Section 2.6. This alternative is intended to examine the environmental impacts compared to the proposed Project if an alternative not requiring a land exchange is chosen at the site. This alternative also results in a smaller footprint, as well as a reduced daily tonnage. The comparative impacts are listed in Table 1.6 of the Draft EIS/EIR.

18 | Why was the Kaiser road alternative examined? What impacts would it address?

The document should undertake an analysis of increased waste diversion and recycling and resulting effect on the need for additional landfills. This analysis should take into account that the need for disposal capacity currently described in the document is the greatest in the very distant future when additional incentives for and means of diverting waste and recycling cold be developed. Although this may seem speculative and remote, so too are the estimates of future need that are used to substantiate the need for this Project. Perhaps a better approach would be
19 | to evaluate need over a more reasonable timeframe.

As discussed above, the document should examine alternative landfill sites and waste management options, such as waste-to-energy, in order to evaluate the appropriateness of approving this Project with it attendant impacts on the surrounding area and JTNP in particular. The County should consider whether it needs to permit a new landfill to serve its own needs and the needs of the entire Southern California area, in light of the availability of other disposal options and the sensitive site proposed for development by Kaiser and MRC.

Response to Comment 28-18

The Kaiser Road alternative was examined primarily to see if it would result in reduced impacts to the Desert Tortoise. In addition, it was recognized that it would curtail the need for a right-of-way grant for Eagle Mountain Road. In addition, the analysis showed that it would reduce the loss of habitat from the widening of Eagle Mountain Road, but the increased travel distance (about 7.5 miles round trip) would result in an increase of potential for road kill of wildlife, which would increase the potential for raven attraction. There would also be a slight increase of night lighting but not to the degree that would make it significant (see Response to Comment 1-32). There were no differences in the conclusions of significance for any resource area. Because of the presence of the residential community at Lake Tamarisk, traffic control measures are proposed for Kaiser Road. These are described on page 4.3-27 of the Draft EIS/EIR.

Response to Comment 28-19

The EIS/EIR assumes that the statutory waste reduction mandates of AB 939 will be met.

The analysis of disposal capacity was done for the short-term (to the year 2000), medium term (to the year 2020), as well as the long-term (to the year 2050). Incremental deficiencies in disposal capacity is also presented for the years 2005, 2010 and 2015 (See Figure 1-4 of the Draft EIS/EIR). Given the time to permit disposal facilities and the need for jurisdictions to undertake long-range planning, those time frames are considered reasonable. See 1.3.1.

There are many technologies that have been developed to dispose of solid waste other than landfilling (i.e. anaerobic digestion, composting of mixed solid waste, fermentation, refuse-derived fuel, pyrolysis and waste-to-energy). With the exception of waste-to-energy, experience has been limited to small facilities. In Southern California, there are currently two waste-to-energy facilities: Commerce Refuse-To-Energy Facility (1,000 tpd capacity) and Southwest Resource Recovery Facility in Long Beach (2,240 tpd capacity). There have been subsequent attempts to site and develop additional facilities but all have been strongly rejected due primarily to environmental concerns, particularly related to air quality and the current relatively low prices of

competing fuel sources. Because of past failures, major environmental concerns, and high costs, there is no known entity in the Region currently pursuing or contemplating this or other alternatives to landfilling. None of the counties in the Region cited alternative technologies to landfilling in their Siting Elements as viable options to meet their disposal capacity needs. See Response to Comment 1.

The document contains a very cursory comparison of the Project to other rail-haul sites. This analysis cannot take the place of a genuine alternatives analysis that complies with NEPA and CEQA. In any event, does the chart comparing the impacts of the rail-haul disposal sites use the same standards for evaluating significance at each of the sites? If so, what is different about the other rail-haul projects that results in impacts that wouldn't result from the Eagle Mountain operation -- particularly given that the Project site is surrounded by a wilderness area protected as a national park? For example why would there be a visual impact at another landfill from nighttime glare or alteration of landforms when a similar impact would not occur at Eagle Mountain. 20

All maps showing outdated BLM land determinations (nonwilderness area) must be replaced with accurate maps. (2-10, 2-11 and 2-12) 21

What is the status of land ownership along the entire 52-mile Eagle Mountain rail line? The document indicates that owners include the Navy, private persons or entities, and other federal and state agencies. Apparently, Kaiser's current rail and road rights-of-way only allow mining uses. Please explain Kaiser's rights in detail and disclose how these rights are proposed to be modified. 22

Response to Comment 28-20

The discussion of other rail-haul waste disposal projects in the context of the present Draft EIS/EIR is not cursory. The impacts from these projects are analyzed in their own project-specific EIRs and summarized in this EIS/EIR. Although not specified in this comment, it is assumed that the commenter is referring to the discussion of Comparable Landfill Projects in the Southern California Desert Region (Draft EIS/EIR, Section 5.4.2). As noted in Draft EIS/EIR, Section 2.8.3, these other rail-haul waste projects (La Paz County Regional Landfill, Rail Cycle-Bolo Station, and Mesquite Regional Landfill) were considered but eliminated as alternatives to the Eagle Mountain Project. They were included for discussion with regard to their potential to result in cumulative impacts (Draft EIS/EIR, Section 5.0) when considered in conjunction with the proposed Project.

With regard to the Comment about "the chart comparing the impacts" and the standards used to evaluate impact significance at each of these other rail-haul disposal facilities, it is assumed that the comment is referring to Tables 5-6 through 5-8 in Section 5.4.2. These tables present a compilation of potential environmental impacts and impact significance after mitigation for the La Paz County, Rail Cycle-Bolo Station, and Mesquite landfills. As noted in the footer for each table, the sources for this information are the most recent environmental documents prepared by the respective proponents for each of these projects. These documents were available at the time of Draft EIS/EIR preparation. Please see General Response 2.

Response to Comment 28-21

Comment acknowledged. Please refer to Response to Comment 1-9.

Response to Comment 28-22

The land ownership and rights along the Eagle Mountain Railroad are described in detail in Section 2.1.2.3 of the Draft EIS/EIR, and are further depicted on the colored map included as Figure 5-2 of the Draft EIS/EIR. The existing right-of-way from the BLM covers approximately 28.6 miles of the 52-mile rail line; the remainder of the rail line traverses lands that are currently owned by Kaiser, and other federal agencies and private landowners that have issued easements or other permits to Kaiser for the rail

Is the existing wastewater treatment facility, located on unpatented mine lands, a legally permitted use of BLM lands? What is the status of current wastewater treatment capacity? Is it
23 sufficient to accommodate existing conditions? Are there any existing contamination problems? Are there any past or pending cleanup orders from DTSC? The utilities section only states condition of streets and drainage; it should also include water, wastewater treatment, electricity, phone, fire, police, etc. What changes, if any, are proposed or necessary to accommodate the Proposed Project? This should be thoroughly described in this section.

Planning Area 6 should not be identified as "open space." Area 6 is identified to be used
24 for drainage, detention, roads, monitoring systems, water storage. Actual designated open space would not need to be obtained from BLM.

line. The existing 28.6 mile right-of-way from the BLM contains a reversion to the United States if the right-of-way is abandoned or is not used for mining-related purposes for a continuous 7-year period. The applicants have agreements that allow them to use the rail lines for project purposes. No modifications are required.

Response to Comment 28-23

The existing treatment facility is located partially on BLM unpatented and patented lands. The treatment system is currently permitted for 35,000 gallons per day (see page 4.12-4.14. Portions of the facility are on Kaiser mining claims, and the use of lands for wastewater treatment in accordance with provisions of these claims, is considered part of mining activity and, thus, is a lawful use of BLM lands. With regard to the question of "existing contamination problems," it is assumed that the comment refers to a potential for hazardous wastes/materials to exist on the Project site. Please refer to the Response to Comment 195-2, as well as Section 3.2.2 of the Draft EIS/EIR, which discusses in detail the history and results of the various investigations and analyses that have been conducted at the Project site pertaining to the potential presence of hazardous wastes/materials, including the BLM Level I Contaminant Surveys, the DTSC Complaint Inspection and Sampling Report, and the EPA Region IX Preliminary Assessment.

With regard to treatment of utilities and services within the Draft EIS/EIR, the commenter is referred to Section 3.12 and 4.12, which contain thorough discussions of the existing conditions, anticipated impacts, and proposed mitigation measures for each of these infrastructure components.

Response to Comment 28-24

On Figure 2-8, the use of the term "open space" refers to areas that will be undisturbed or will be used for peripheral support structures, such as water storage for domestic water supplies. See the Draft Specific Plan for the landfill, which is part of the administrative record for the EIS/EIR and contains additional information on this topic.

25 Please explain how the active working area of the landfill will be limited to 2 acres at all times when up to 20,000 tons/day will arrive at the facility? Also explain how much garbage will be exposed in areas other than the landfill face, such as rail transfer areas, recycling center, etc.

26 Please explain how the daily cover of 6 inches is adequate to deter ravens when it is recognized that ravens will readily scratch through 6 inches of cover.

27 What type of railroad upgrade is expected? All impacts from such a project must be evaluated in this document.

Response to Comment 28-25

The active working face is defined as the area of the landfill not covered with daily, interim, or final cover (see Section 2.1.7.3). At full operation, this area must be large enough for 6 to 10 tippers operating simultaneously to tip containers at the lower or upper edge of the working face, for the waste compactors to spread the waste up or down the slope, and then compact the waste into the working face of the landfill. (See Figure 2-18 of the Draft EIS/EIR.) Each tipper can operate in a working face area approximately 70 feet by 125 feet, tipping about one container (20 tons of waste) every 4 to 6 minutes. At maximum operation, this would be 10 tippers. As the filling progresses on the working face, daily cover (minimum of 6 inches of dirt) is placed and compacted, keeping the area of exposed waste (active working face) to an area of no more than 2 acres. Also see Response to Comment 26-19.

Response to Comment 28-26

For the Comment on ravens, see also Response to Comment 26-19 and General Response 6.

Response to Comment 28-27

As discussed in Section 2.1.7.1, the upper railyard (or intermodal yard) will be upgraded by adding additional track so that it can accommodate two to three trains. At some later point, a secondary rail spur will be constructed into Planning Section 3, where additional track will be added so that a maximum of six trains per day transporting waste can be received at the site. The existing Eagle Mountain Railroad from Ferrum Junction to the Project site will require rehabilitation and maintenance as described in Sections 2.1.2.3 and 4.6.2.1 of the Draft EIS/EIR. This work will involve repairing railroad trestles and clearing out of culverts along the railroad. The U.S. Army Corps of Engineers and California Department of Fish and Game previously issued permits to cover this activity. (See Sections 1.4.2.2 and 1.4.3.3 of the Draft EIS/EIR.) The Corps permit expired on June 26, 1996, and the Project proponent must reapply for and obtain this permit again. The potential impacts from this work (e.g., air emissions, water usage, biological resources, noise) were analyzed in the Draft EIS/EIR and are considered insignificant after mitigation. See Sections 4.4, 4.1, 4.7, and 4.13 of the Draft EIS/EIR.

28 What is the definition of miscellaneous waste? Will the proposed 8-10 cranes have any visual impacts? What is entailed in refurbishing the railyard? Is hazardous substance remediation necessary? All impacts of these activities must be evaluated in this document? What is the planned protocol for discovery of incompatible or hazardous waste? What are the possible

impacts of a release of such substance? The proposed litter control plan appears inadequate and illogical. How will extra workers compensate for litter scattered by winds bypassing the guard fences? How many litter control workers are required to monitor over 2000 acres? What impacts are expected from the vehicle maintenance facility from use of fuel, oil, lubricants, coolants storage and usage? Are any air impacts anticipated from fueling facilities, storage tanks?

Response to Comment 28-28

Without reference to a specific segment of the Draft EIS/EIR, it is assumed that the Comment is directed toward the estimated 14 to 22 percent of miscellaneous waste anticipated for disposal at the proposed landfill, which is noted in the Draft EIS/EIR Section 2.1.7, Landfill Operations. No formal definition of miscellaneous waste exists; however, in the context of the Draft EIS/EIR, miscellaneous waste is considered to be any nonhazardous Class III waste, as regulated under California law, which would include demolition debris and other inert wastes, and is other than nonrecyclable paper, food wastes, or plastics.

The visual analysis took into account the height of structures. As noted in Section 4.10, given the scale of the proposed Project and the relative distance from Key Observation Points, no significant visual impacts are anticipated for construction or operation of the landfill. This would include onsite vehicles and cranes.

See Response to Comment 28-27. All impacts were evaluated.

With regard to the question of the need for hazardous substance remediation, it is assumed that the Comment refers to a potential for hazardous wastes/materials to exist on the Project site. Please refer to the Response to Comment 195-2, as well as Section 3.2.2 of the Draft EIS/EIR, which discusses in detail the history and results of the various investigations and analyses that have been conducted at the Project site pertaining to the potential presence of hazardous wastes/materials, including the BLM Level I Contaminant Survey, the DTSC Complaint Inspection and Sampling Report, and the EPA Region IX Preliminary Assessment.

The commenter is also directed to Section 4.2.2.2 of the Draft EIS/EIR, which details the waste stream sorting process and the potential impacts/mitigation measures of hazardous wastes in the solid waste stream.

The proposed litter control plan is adequate and logical. As described in Sections 2, 4.10, and 4.11 of the Draft EIS/EIR, litter at the landfill will be controlled and mitigated in four ways: 1) waste compaction and soil covering; 2) portable litter control fencing; 3) litter patrols; and 4) minimized active working face. These measures will be undertaken in compliance with and in

exceedance of all applicable state and federal regulatory requirements regarding litter control.

Between 4 and 10 litter control workers will be stationed downward of the landfill. Sufficient personnel will be assigned to respond adequately to occurrences of windblown debris. In addition, the proposed mitigation measures provide for periodic reevaluation, in concert with JTNP and NPS staff, of their effectiveness. (Also see Section 4.10.3 of the EIS/EIR.)

The commenter is referred to Draft EIS/EIR Section 4.2, Public Health and Safety, which discusses the potential impacts and proposed mitigation measures related to unauthorized hazardous waste releases associated with equipment operations and maintenance. In addition, the commenter is referred to Section 4.4 and Appendix E of the Draft EIS/EIR which discuss and quantify the potential air quality impacts associated with site operations and maintenance.

29 | Will MRC need to obtain approval to use the mine overburden as alternate cover? If any needed approval cannot be obtained, how will MRC obtain cover? Would the impacts be different (e.g. would the tailings piles remain on-site)?

30 | Please provide water usage estimates for construction of the landfill liner and cap?

31 | Are there any stability issues relating the existing slope of the sides of the mine?

32 | Where is the clay or other material for construction of the cap and liner coming from? On-site? Is it being shipped to the site?

Response to Comment 28-29

The soil overburden is not considered alternate cover. The existing mine tailings materials (i.e., coarse tailings, fine tailings, and overburden materials) will all be used during landfill construction, operation, and closure. The overburden materials will be used as interim cover (i.e., daily and intermediate cover) material.

The overburden materials are very similar, and in some cases superior, to other soil materials used for interim cover at other landfills in California.

Response to Comment 28-30

Water usage estimates for operations (including liner and cover construction) have been developed and are described in Section 4.1.3.1 of the EIS/EIR. To respond to this comment, an estimate of water necessary to construct the low-permeability soil component of the liner and final cover has been developed. Approximately 113,726,450 gallons of water will be required over the 100-year life of the facility to construct the low permeability soil components of the liner and final cover.

Response to Comment 28-31

Side-slope stability is discussed in Section 4.9.2 of the Draft EIS/EIR. Also see Response to Comment 17-24.

Response to Comment 28-32

The fine tailings materials at the site will be used for the low-permeability soil component of the liner and cover systems. This material has been extensively studied. These studies include field exploration and laboratory testing. The majority of the fine tailings materials meet or exceed all regulatory requirements for low-permeability soil for use in liner or cover systems.

The liner system is described in Section 2.1.5.1 of the EIS/EIR and in Section 6.4 of the ROWD (GeoSyntec, 1992). The engineering characteristics of the fine tailings materials are described in Section 7 and Appendix J-1 of the ROWD.

33 Will the permits for the facility contain specific limits on the number of transfer trailers or other commercial trucks that can use the site and ensure that there will be no long-haul of waste from outside of eastern Riverside County ?

3.1/4.1 Groundwater

34 There is evidence in the administrative record for the previous EIS/EIR that groundwater resources in the area are already adversely affected by historic groundwater use. Please describe any identified problems reported in the previous administrative record and describe how that information affects the analysis in this document.

35 Are any of the materials in the tailings or overburden piles classified as hazardous waste under state or federal law?

Response to Comment 28-33

The types and geographic sources of wastes accepted for disposal at the proposed landfill would be subject to the provisions of the Project's local and state operating permits. There are no plans to accept non-Southern California wastes for disposal at the proposed landfill.

Response to Comment 28-34

Section 3.1 of the EIS/EIR discusses the historic, existing, and projected groundwater use in the Chuckwalla Basin as part of its description of the affected environment in the vicinity of the Project site. The potential consequences on groundwater levels from the pumping of Project wells are evaluated in Section 4.1.3 of the Draft EIS/EIR. That evaluation concludes that groundwater depletion would not be significant; therefore, groundwater depletion is not listed as a significant impact. Groundwater depletion is, however, analyzed and considered to be a significant cumulative impact in Section 5 of the Draft EIS/EIR, based on the potential usage of groundwater in connection with the Eagle Crest Energy Company pumped storage project or an increase of agricultural cultivated acreage to higher levels. (Pages 4.1-26 through 4.1-29).

Response to Comment 28-35

There are no materials in the tailings or overburden piles classified as hazardous materials under state or federal law. Please refer to the Response to Comment 192-2, as well as Section 3.2.2 of the Draft EIS/EIR, which discusses in detail the history and results of the various investigations and analyses that have been conducted at the Project site pertaining to the potential presence of hazardous wastes/materials, in particular the 1994 DTSC Complaint Inspection and Sampling Report. As noted in Section 3.2.2.2 of the Draft EIS/EIR, the DTSC evaluated the tailings to assess the potential hazards of using the tailings as part of a landfill liner system. The DTSC's published findings on the tailings concluded that, "Neither the analytical results nor the regulatory status of the fine tailings material would preclude it from being used as Class III landfill liner material." (Draft EIS/EIR page 3.2-11)

36 Has any state agency approached Kaiser or MRC about clean up of the mine site? What is the status of any discussions about clean up of the site? If any clean up is required is it possible that a removal action involving the piles could be involved?

a The estimates of groundwater use in the area have been reduced from the previous
b EIS/EIR. Is there any evidence in the record that suggests that groundwater use may be higher than the 1994 estimate relied on in the document. What is the source of the 1994 estimate? If it
37 c was derived by a proponent of a project that would require substantial groundwater, is it appropriate to rely on the estimate, particularly if there are other, higher estimates in the record?
d The document indicates that there are gaps in the data regarding groundwater use. Under NEPA and CEQA shouldn't a more conservative estimate be used in the absence of data?
e

38 Please provide a discussion of historic drought conditions and water shortages in Southern

California. Are there any water conservation or land use policies relevant to water use that encourage conservation of water in the area of the Project? In Riverside County generally? Are there any restrictions on water use in the County (including use for any other purpose such as agriculture) at this time or over the last 10 to 15 years?

Please describe the reason for the decline in agriculture in the area? Is it at all related to the availability or cost of water? Is the decline considered to be permanent?

Response to Comment 28-36

The DTSC has recommended that as the site develops, equipment and other materials should be removed and disposed of according to applicable DTSC and other regulations.

Response to Comment 28-37

(a) See Response to Comment 195-16(a).

(b) As stated in the Draft EIS/EIR (see Table 3.1-3), source of the 1994 estimate of groundwater use was based on Samons (1994), James C. Hanson Engineers (1992), and professional judgment.

(c) The estimate of groundwater use in the Draft EIS/EIR was developed by technical specialists in water resources who are neither proponents nor opponents to the proposed Project. In addition, it is concluded in Section 4.1.3.1 (page 4.1-32) of the Draft EIS/EIR that there are no activities associated with the proposed Project that use large or substantial amounts of water based on the significance criteria defined in Section 4.1.1 (page 4.1-4).

(d) It is acknowledged in Section 3.1.4.1 (page 3.1-25) of the Draft EIS/EIR that the quantification of groundwater use must be estimated because pumping records are not maintained by the local well owners. It is further stated on page 3.1-25 that estimates of water use must be made in the absence of complete data.

(e) The estimates in the Draft EIS/EIR are conservative. There is no NEPA or CEQA requirement to use the most conservative value in the absence of specific data.

Response to Comment 28-38

It is assumed that the Comment refers to anticipated groundwater use and annual rainfall in the vicinity of the proposed Project. Annual rainfall data were reviewed for the Draft EIS/EIR and recent rainfall conditions are discussed in Response to Comment 195-18c.

In reference to the decline in agricultural acreage under cultivation, prior to 1985 much of the irrigated acreage was jojoba, which was subsidized by the

federal government. Subsidies for cultivation of jojoba were discontinued in 1985 and, subsequent to that time, irrigated acreage in the vicinity of the Project was reduced. Whether this situation is considered to be permanent is a market-driven condition and cannot be predicted in the context of this EIS/EIR.

In reference to the Comment on other-use restrictions, the County of Riverside Zoning Code No. 348, requires implementation of water efficient landscape requirements. The County also requires Development Proposals to include provisions for use of reclaimed water, if available.

39 Please provide a better discussion of the use of water in landfill operations Is it simply spread on the ground for dust control? Is this a good use of a limited resource or does it constitute a waste of the resource? If the waste disposal occurred in more urban areas could reclaimed water be used for any necessary dust control, avoiding the need to squander the groundwater that constitutes the sole source of water in the Eagle Mountain area?

40 The information provided about historic water use indicates that there was substantial overdraft problem in previous years Is there any continuing effect of this historic overdraft on the groundwater resource or wells in the area?

41 The standard used to evaluate the significance of depletion of groundwater requires that wells in the area be so severely affected as to be rendered non-functioning before the impact is considered significant Groundwater is a very limited resource in the Eagle Mountain area The use a significance standard that requires that the Project deprive others of their beneficial use of groundwater before the impact is considered significant prevents the decisionmaker from fully understanding the seriousness of impacts that happen to fall short of the standard A new standard should be developed to reflect a substantial contribution to the depletion of a limited groundwater resource

Response to Comment 28-39

The primary use of water during operation of the landfill will be for dust control. Water will also be required for daily cover placement, equipment, and personnel. Efforts have been made to minimize the required water usage during operation of the landfill. These efforts include paving most landfill access roads so that spraying for dust control is not needed as frequently; use of a geosynthetic-clay liner on side slopes of the landfill, thus significantly reducing the volume of construction water required for side slope liner system construction; and, using alternative dust suppressants in lieu of water. The results of the analysis of potential impacts on groundwater from the Project (Section 4.1.3 of the EIS/EIR) indicate that the project will not cause an overdraft condition in the Chuckwalla aquifer.

Response to Comment 28-40

Chuckwalla aquifer water-level data spanning the period of historically high groundwater use into the 1990's is limited to the Southern California Gas Company well (5S/16E-07P1). The data from this well reveal a steady water-level rise of approximately 68 feet between 1988 and 1993, which is the most recent recorded measurement (see response to Comment 14-1d). This well is located in the area of the Chuckwalla Basin where much of the relatively high groundwater pumping occurred in the mid 1980s and is, therefore, considered representative of the portion of the Chuckwalla aquifer most affected by the past overdraft condition.

Response to Comment 28-41

The comment appears to be confused between the standard of significance for substantial depletion of groundwater and the definition of the loss of beneficial use of groundwater established in the Draft EIS/EIR. The standard of significance for substantial groundwater depletion is comprised of four elements (see Section 4.1.1.2 [page 4.1-2]): (1) a loss to rights holders of beneficial uses of local groundwater resources; (2) a condition of groundwater overdraft; (3) the cessation of groundwater-fed water resource features; and (4) degradation of the quality of water pumped from existing wells. The standard of significance is met, therefore, if any one of these conditions is determined to occur as a result of the proposed Project. Consequently, groundwater depletion could be considered substantial (i.e.,

42 The standard of significance for encouraging large usage of water appears to duplicate the standard from depletion. The Project would use approximately 17 percent of the estimated total usage in the basin. That seems very large in relation to other users but it is not considered significant because it doesn't totally deprive other users of their beneficial use of the resource. Failure to acknowledge large water use as a significant impact (particularly when the water is merely spread on the ground for dust control) is wholly inappropriate in an area where water is extremely limited.

43 Please substantiate the estimated water use for each phase of the Project (including construction and operation). Please provide specific details about how water demand for the Project was reduced from the estimates in the previous EIR/S. Will there be a permit limit restricting water use to the level estimated in the document for each phase of construction and operation?

significant) without any well becoming non-functional due to Project-induced water-level decline (e.g., if basin overdraft results).

In the absence of specific standards, the significance criteria for substantial groundwater depletion were developed, consistent with CEQA, based on professional judgment. These criteria were accepted by the County of Riverside, the BLM, and the NPS.

Response to Comment 28-42

The comment is correct is stating that because the water usage of the proposed Project does not deprive other users of their beneficial use of the aquifer, the amount of water use by the Project is not considered "large". The commenter subsequent use of the term "large," however, is subjective. The Draft EIS/EIR established an objective definition, which is equal to the amount of water that results in groundwater depletion (see Section 4.1.1.2).

Response to Comment 28-43

The maximum water consumption for construction and operation during peak operations (i.e., 20,000 tpd) is 348,621,663 gallons per year, which is provided in Section 4.1.3.1 of the EIS/EIR. This value has been estimated based on peak annual operations, and not by development phases. To respond to this comment, a conservative estimate of water usage for each phase has been developed by multiplying the maximum water consumption value for operations and construction times the expected life of each phase.

Maximum Water Consumption by Phase*		
	Life (yrs)	Water Consumption (ac-ft)[1]
Phase 1	17	18,189
Phase 2	11	11,769
Phase 3	31	33,169
Phase 4	19	20,329
Phase 5	39	41,728

[1]ac-ft = 325,829 gallons
*Maximum annual water use for landfill operations and construction used for these tables.

3.3/4.3 Traffic and Transportation

44 | Describe traffic and transportation impacts in urban areas associated with transferring the

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waste destined for the Project site to rail loading facilities. To the extent that there are existing or permitted facilities that would serve Eagle Mountain, the impacts at those facilities should be described. This information is readily obtainable in the EIRs for those facilities. Has MRC entered into any agreements or discussions with any specific transfer facilities? If so, impacts at those facilities in particular should be described.

The document indicates that the actual rail-haul portion of the Project will result in an increase in delays at rail crossings and a reduction the level of service in the vicinity of the Project. Does rail-haul also add additional transportation activities in the urban areas near the source of the waste generation and near existing and new rail loading facilities? Please compare these activities to the traffic and transportation impacts resulting from waste disposal at regional landfills located near the source of waste generation? Provide estimates of vehicle miles traveled to transfer the waste to the rail facilities versus disposal at regional County landfills in the seven-county area

This estimate would be very conservative because peak operation of the landfill is not expected until about year 25 of operation. Also, page 4.1-25 contains a discussion of how water demand for the Project was reduced. It is not anticipated that any permits limiting water consumption will be required.

Response to Comment 28-44

Please see Response to Comment 28-3 and 28-16. Section 1.2.1 of the Draft EIS/EIR addresses the matter of MRFs and TSs and their relation to the proposed Project.

With respect to grade crossings, the matter is discussed in detail at Section 4.3.2.1 of the Draft EIS/EIR. The impacts of landfills or other solid waste facilities in the areas proposed to serve the Project is properly the subject of detailed, site-specific environmental review for these facilities. Please see the Response to Comments 28-3 and 28-16. There are no agreements between MRC and any transfer station developers, but discussions have taken place.

3.4/4.4 Air Quality

45 The air quality analysis has been completely revised from the previous EIR/S. Please explain any changes in the assumptions and emissions estimates. Does the new analysis show lower emissions? Fewer impacts? Please explain in layman's terms what caused any reductions in emissions in the new analysis -- are the reductions, if any, the result of actual reductions in emissions or due to different approaches to estimating emissions and the modelling of impacts?

46 The document indicates that areas in the vicinity of the Project are not classified for attainment status. What does this mean? What is the quality of the air relative to other areas of the SEDAB?

Response to Comment 28-45

To provide some context between the current Draft EIS/EIR and the previous EIS/EIR, the following is a brief summary of the substantive revisions made to the air quality analysis in this EIS/EIR since publication of the previous EIS/EIR.

The current air quality analysis proposes the use of more advanced, cleaner operating diesel engines for landfill equipment and locomotives. This change results in lower emission levels for this equipment compared to the previous analysis.

The current air quality analysis uses newer versions of EPA-approved dispersion and visibility impact models. This change results in higher modeled air quality impacts compared to the previous analysis.

The current air quality analysis uses a newer version of a California Air Resources Board approved model used to estimate emissions for on-highway diesel trucks. This change results in higher modeled emission levels for the waste haul trucks compared to the previous analysis. The combination of the above changes results in a lower total emissions than estimated in the previous EIS/EIR for the proposed Project with mitigation. The conditions concerning significance of impacts has not changed from the original document.

Response to Comment 28-46

As discussed in the Draft EIS/EIR, the designation criteria specify three major categories of designation: nonattainment, attainment, and unclassified. Under Section 107 of the Clean Air Act, EPA specifies the criteria used to deisgnate areas as attainment, nonattainment, or unclassifiable. Criteria for designation of state standards are specified in the California Code of Regulations, Title 17, Section 70300-70306. An area is designated nonattainment for a pollutant by the State of California Air Resources Board (CARB) if air quality data show that a state standard for that pollutant was violated at least once during the previous three calendar years. The CARB will designate an area as attainment for a pollutant if the data show that the state standard for that pollutant was not violated during the previous three calendar years. An area is designated as unclassified for a pollutant if there

a Does the SCAQMD have any specific significance standards for air emissions associated with mobile sources? If so, all of the mobile source emissions resulting from the Project, including emissions from trucks associated with the waste transfer activities in urban areas, should
47 be discussed in light of these standards. Please discuss any relevant air or land use policies designed to minimize impacts associated with transportation activities and whether hauling waste
b to remote desert locations is consistent with those policies.

are no monitors or the available data do not support a designation on nonattainment or attainment. With regard to air quality in the vicinity of the proposed Project relative to other areas of the SEDAB, there are no official monitors but monitoring was conducted at the Project site between March 1990 and April 1991 for ozone, nitrogen dioxide, carbon monoxide, and fine particulate matter. These data show that the concentrations of pollutants are lower at the Project site compared with levels measured on the western boundary of the SEDAB. Generally, pollutant concentrations decrease from west to east across the SEDAB. This trend is due to the influence of transported air pollution from the South Coast Air Basin and the San Joaquin Valley Air Basin. The data available from monitoring sites located in the vicinity of the proposed Project are included in the Draft EIS/EIR (Appendix E, Part 2).

Response to Comment 28-47

(a) The SCAQMD does not have any specific significance standards for air emissions from motor vehicles. However, the CEQA Air Quality Handbook of the SCAQMD suggests that a project's emissions should be considered significant if they exceed threshold values based on the federal definition of major source and the area's air quality attainment status. The CEQA Air Quality Handbook, Chapter 6, states that both direct and indirect emissions (i.e., associated vehicle emissions) should be considered when determining the air quality significance of a project. A comparison of total emissions (both onsite and offsite emission sources) for the proposed Project and the CEQA Air Quality Handbook significance levels is included in the Draft EIS/EIR (Appendix E, Part 4.8).

(b) A detailed discussion of the proposed Project's consistency with federal, state, and SCAQMD air quality regulatory requirements is included in the Draft EIS/EIR (Appendix E, Parts 2.6 and 4.5). As discussed in the Draft EIS/EIR, the proposed Project and all project alternatives are consistent with these air quality requirements. We are not aware of any policies designed to minimize impacts associated with transportation activities other than those discussed in Appendix E of the Draft EIS/EIR and ongoing state and federal efforts to develop more stringent motor vehicle standards.

48 Please provide a more specific comparison of the air impacts of rail-haul disposal and disposal of the waste near the site of generation, including emissions associated with truck transportation to the rail loading sites within the urban areas.

49 Will there be any air impacts, such as CO impacts, in the vicinity of the transfer stations used for rail loading as a result of bringing waste to the transfer station for shipment to the Project site?

Response to Comment 28-48

A specific comparison of the air impacts for the proposed Project (rail-haul) and the No Action Alternative (disposal of waste near site of generation) is included in the Draft EIS/EIR (Appendix E, Part 7). The emissions associated with waste truck hauling to Materials Recovery Facilities and Transfer Stations (rail loading sites) are not included with the proposed Project's emissions because the locations of such facilities are not known and, as discussed in the Draft EIS/EIR, these operations are not proposed as part of the proposed Project. A discussion of the emissions associated with a typical Material Recovery Facility/Transfer Station is included in the Draft EIS/EIR (Appendix E, Attachment A, pages A-1-1 to A-1-3). Also see Response to Comment 28-3.

Response to Comment 28-49

There will be emissions associated with the operation of the Material Recovery Facilities and Transfer Stations. A discussion of the emissions associated with a typical Material Recovery Facility/Transfer Station is included in the Draft EIS/EIR (Appendix E, Attachment A, pages A-1-1 to A-1-3). As discussed in the Draft EIS/EIR, a detailed analysis of the air quality impacts associated with these operations was not performed because these operations are not part of the proposed Project. Also see Response to Comment 28-3.

50 The air quality analysis should include a clear discussion of the regional and local impacts associated with each pollutant and each Project activity (i.e. construction, operation.

transportation.) The point of impact for local impacts should be identified, particularly in the case of any off-site PM-10 impact.

51 Will PM-10 impacts associated with landfill activities in a desert environment generally be more significant than the impacts from similar activities in non-desert areas?

52 The on-site Nox emissions have been substantially reduced from the previous EIR/S What caused this reduction?

Response to Comment 28-50

Detailed emissions estimates for each phase of the proposed Project are included in the Draft EIS/EIR (Appendix E, Part 4). This section of the Draft EIS/EIR includes a clear discussion of emissions estimates from the initial construction and emissions from each aspect of operation. The emission estimates are broken down by solid waste transport, onsite material handling, landfill gas generation and combustion, fugitive dust, miscellaneous sources and the Townsite. Using these estimates, the analysis of the air quality impacts from the proposed Project are presented in the Draft EIS/EIR (Appendix E, Part 4.4). The analysis includes impacts near the proposed Project (Appendix E, Part 4.4.2), impacts at typical rail crossings (Appendix E, Part 4.4.3), and impacts on the Joshua Tree National Park (Appendix E, Part 6). These emission estimates are further broken down between onsite and offsite (regional) emissions. An analysis of the cumulative impacts at the project site and on a regional basis is also included in the Draft EIS/EIR (Appendix E, Parts 7 and 8). A separate analysis of air quality impacts (as distinguished from the emissions estimates) associated with each project activity was not done because the activities occur in combination.

Response to Comment 28-51

Because PM_{10} emission estimates are based on site-specific factors, it would be speculative to respond to this Comment without detailed information regarding the sites in question.

Response to Comment 28-52

With a total onsite NO_x level of 494 tons/yr for the proposed Project (Draft EIS/EIR, Appendix E, Table 4-7) compared to 508 tons/yr as shown in the previous EIS/EIR for the proposed Project (Final EIS/EIR, Volume III, Appendix M, June 1992), there is not a substantial reduction in onsite NO_x emissions as concluded in the comment. This reduction in onsite NO_x levels is due to the proposed use of more advanced clean-burning diesel engines for landfill equipment.

53 The landfill gas collection efficiency has increased from the previous EIR/S, yet flare Nox emissions have been reduced. Please explain how this is possible.

54 Has urea injection ever been tested on a flare the size that is proposed for this Project? Is use of the control technology feasible? If urea injection does not work, what controls will be used and what will be the corresponding emissions and impacts?

55 A 95 percent control efficiency for fugitive dust emissions associated with dump trucks hauling on unpaved roads is justified in the document based on the use of chemical suppressants and water (Appendix E, Table B-2. Will both be used? Has a 95 percent control efficiency been demonstrated under desert conditions? How much chemical suppressant is required (in terms of pounds/day/mile) to achieve a control efficiency of 95 percent? How often is application required? Are VOC emissions associated with the application of chemical suppressants and were the impacts of any VOC's considered?

Response to Comment 28-53

This Comment is incorrect; with an annual maximum NO_x level of 231 tons/yr, there is an increase in NO_x emissions associated with the landfill gas flares for the proposed Project (Draft EIS/EIR, Appendix E, Table 4-7) compared to the 216 ton/yr annual NO_x level shown in the previous EIS/EIR (Final EIS/EIR, Volume III, Appendix M, June 1992). To be conservative in the calculation of landfill gas flare emissions, in the Draft EIS/EIR and the previous EIS/EIR it was assumed that the flares combust all of the landfill gas generated. Therefore, the landfill gas collection efficiency is not a factor in the flare NO_x emission calculations. The same maximum landfill gas generation rate is used for the Draft EIS/EIR and previous EIS/EIR. The slight increase in the flare NO_x emission in the Draft EIS/EIR compared with the previous EIS/EIR is due to the use of a slightly higher high heating value for landfill gas compared to the level assumed in the previous EIS/EIR.

Response to Comment 28-54

On the basis of best available data, urea injection has not been used on a landfill gas flare of the size assumed for the proposed Project. As stated in the Draft EIS/EIR (Appendix E, Part 4.6), if the landfill gas generation rate exceeds 10 million cubic feet per day, an energy recovery system should be installed to replace the flares, or if it is determined that an energy recovery facility is not feasible, the flares should be equipped with urea injection systems (or the equivalent). It is highly unlikely that at the higher landfill gas generation rate, an energy recovery system would be found not feasible. However, if this were the case, there is no reason to believe that a properly designed urea injection system would not provide NO_x control benefits when installed on an enclosed flare designed to accommodate such a system. The issue of alternatives to urea injection is reached only if an energy recovery facility is not built and a urea injection system is demonstrated to not be feasible. If this were the case, other NO_x control systems for the landfill gas flares would need to be evaluated, such as low-NO_x burners.

Response to Comment 28-55

As discussed in more detail in the Draft EIS/EIR the proposed mitigation measures for the proposed Project (Appendix E, Part 4.6), will include, depending on the road type, either water or a chemical dust suppressant to

control unpaved road dust. For unpaved roads treated with a chemical dust suppressant, the road may be periodically cleaned with water to remove fine material that is spilled onto the roadway by haul trucks. The studies used to justify the 95 percent dust control efficiency for use of chemical dust suppressants did not contain sufficient information to determine whether any of the studies were performed using chemical dust suppressants on unpaved roads in a desert environment. However, given the chemical process used by the suppressant to control dust, there is no reason to believe that these would behave any differently in a desert environment than in the environment in which they were tested. At most, being in a desert environment could require a higher application frequency for the chemical dust suppressant compared with the typical frequency for nondesert environments. (As discussed in the Draft EIS/EIR [Appendix E, Attachment A], the dust control efficiency for the use of chemical dust suppressants is based on the following documents: "Cost Effectiveness of Dust Controls Used On Unpaved Haul Roads," Bureau of Mines, United States Department of the Interior, December 1983 and "Evaluation of the Effectiveness of Chemical Dust Suppressants on Unpaved Roads, " MRI, November 1987.) As discussed in the Draft EIS/EIR (Appendix E, Part 4.6.3), the actual dust suppressant that will be used and the frequency of application will be selected based on a field evaluation of candidate suppressants that will be performed during the startup phase of the proposed Project. Consequently, the actual amount of dust suppressant required will be determined during this future evaluation. Because there are no Volatile Organic Compound (VOC) emissions expected with the use of dust suppressants, VOC emissions were not calculated in the Draft EIS/EIR for the use of this material. In addition, visibility monitoring as proposed by the NPS and agreed by MRC (see NPS agreement in Appendix T) requires that visibility impacts be monitored and mitigated to keep such impacts to a level less than significant. This Agreement does not alter the analyses or conclusions of the EIS/EIR.

Response to Comment 28-56

The daily PM_{10} emission level of 560 pounds/day cited in the Comment is the fugitive dust emissions associated with the normal operation of the proposed Project with mitigation (Draft EIS/EIR, Appendix E, Table 4-7). The daily PM_{10} emission level of 1,367.9 pounds/day is the emissions associated with the initial construction activities that will only occur during a several-week period

56 Table 4-7 lists on-site fugitive dust emissions from truck travel on roads and wind-blown dust as 560 pounds/day. Table B-2 of Appendix E lists fugitive dust as 1367.9 pounds/day. Why is there a discrepancy between the two numbers. Table B-2 already reflects significant control factors -- are further reductions assumed and how would they be achieved?

The document does not appear to contain any estimates of fugitive dust associated with dump truck travel on paved roads. Are there any fugitive emissions from this source, particularly
57 given the desert environment and the potential for dust and soil to gather on the road as a result of use and wind/ Please include an estimate of emissions, mitigation and include any emissions in the air and visibility analysis.

58 How is the 90 to 95 percent control factor for dust from truck travel justified (Table B-4).

The mitigation proposed in order to reduce air quality impacts does not include enough detail to evaluate whether it will actually reduce emissions to the levels indicated. Several critical analyses, particularly relating to PSD violations in the nearby Class I area and visibility, show that
59 the Project after mitigation will be very close to violating the standards. The document needs to demonstrate that the mitigation will be effective (such as the mitigation for fugitive dust emissions) and must contain provisions that ensure it can and will be enforced, as required by CEQA. This is particularly important given that the Project after mitigation is very close to

prior to the startup of the proposed Project (Draft EIS/EIR, Appendix E, Attachment B). Consequently, the two PM_{10} emission estimates are different because they are associated with different activities.

Response to Comment 28-57

The Draft EIS/EIR does not include emissions associated with material haul truck travel on paved roads because all of the haul road will be unpaved, but dust will be controlled by use of water and chemical dust suppressants. The PM_{10} emission calculations for travel by material haul trucks on unpaved roads are included in the Draft EIS/EIR (Appendix E, Attachment A).

Response to Comment 28-58

As discussed in detail in the Draft EIS/EIR (Appendix E, Attachment B, Part B.3), dust control for truck travel on unpaved roads will be accomplished with the application of dust suppressants. The reference studies used to justify a 90 to 95 percent dust control efficiency for unpaved road travel are included in several places in the Draft EIS/EIR (Appendix E, Attachment B, Table B-2 and Appendix E, Attachment A, Section A-3).

Response to Comment 28-59

A compliance monitoring plan has been prepared as part of the Final EIS/EIR for the Project. The monitoring plan will contain conditions requiring the use of technology and measurement techniques that will ensure compliance with the mitigation measures contained in the Draft EIS/EIR. This monitoring plan will ensure that the mitigation measures can and will be enforced. In addition, the Project must undergo new source review requirements of the SCAQMD for all criteria pollutants and their precursors. Under the provisions of the SCAQMD rules, permits will be required to be issued for the landfill gas collection and disposal system, fuel storage and dispensing operations, maintenance paint shop, material processing plants, locomotive sand silo, and emergency generators. As such, permits for each of these units will contain conditions to ensure compliance with the BACT provisions of the SCAQMD new source review rule and all applicable prohibitory rules. Conditions will also specify compliance monitoring requirements to assure that the emissions are below the levels contained in the permits.

exceeding the PM-10 increment for the Class I area. There should be permit limits on the Project for all activities generating emissions to ensure that the emissions are below the levels estimated.

60 Please clarify which emission control measures were taken into account in deriving emissions estimates for each activity associated with Project construction and operation. Please explain how the proponent will ensure the emissions levels assumed for each activity will be achieved.

61 Will emissions from the flares stay within the levels assumed in the air analysis when the Project reaches full operation (and at the point of maximum landfill gas generation)? What will happen if the facility cannot stay within the permit conditions imposed on flare operation given that there is no way to stop gas generation? Is there is any possibility that gas generation and flare emissions will exceed the estimates used in the document, and if so, will this result in potentially significant impacts?

62 Are there exceedances of the PM-10 standard in the JTNP area? If so, what is the relevance of the PSD increments for actually protecting the Class I area? Shouldn't any contribution to PM-10 levels be considered a significant impact to the JTNP regardless of whether modelling can show that exceedance of the PSD significance thresholds can be avoided? Determining whether there will be a contribution to an existing problem is the usual approach to evaluating impacts in nonattainment areas.

Response to Comment 28-60

The emission control levels and corresponding emission control techniques are discussed in detail in the Draft EIS/EIR for the construction and operational phase of the proposed Project (Draft EIS/EIR, Appendix E, Attachments A and B). Furthermore, detailed discussions of the mitigation measures corresponding to the control levels assumed in the emission calculations are included in the Draft EIS/EIR (Appendix E, Parts 4.6 and B3). These mitigation measures will be included in the mitigation monitoring plan as part of the Final EIS/EIR to ensure regulatory oversight and enforcement. See Appendix M.

Response to Comment 28-61

Because the landfill gas flare emission calculations in the Draft EIS/EIR are based on emissions factors derived from actual source test and vendor-supplied emissions data, it is expected that the flares will comply with these emission levels. Likewise, landfill gas generation rates are based on actual data collected from landfills in the South Coast Air Basin. If the landfill gas flares are unable to comply with limitations imposed in SCAQMD air quality permits, then any proposed modification to the permit will need to undergo a complete review by the SCAQMD to ensure that the permit change complies with all applicable requirements in the SCAQMD New Source Review regulation. It is not likely that the actual gas generation and flare emissions will exceed the estimates included in the Draft EIS/EIR because the estimates are based on actual landfill gas generation and flare emissions data based on current, high moisture, waste streams. The lower moisture waste streams expected in the future will result in lower landfill gas generation rates and, hence, lower flare emissions than those estimated in the Draft EIS/EIR.

Response to Comment 28-62

Because there are no PM_{10} monitors in JTNP, no PM_{10} ambient data are available for the JTNP. Because the JTNP is located in the Southeast Desert Air Basin (SEDAB) just to the north and west of the Project site, the PM_{10} levels for the JTNP are expected to be between the worst-case levels for the SEDAB and those measured at the Project Site. Because the JTNP is classified as an attainment area for purposes of National Ambient Air Quality Standards, the Prevention of Significant Deterioration (PSD) increments are

Please explain how the evaluation of the significance of air impacts was conducted. On page 4.4-6 the document states that an impact is not significant <u>even</u> in combination with the background levels of pollutants. Shouldn't the analysis always be whether an impact causes or contributes to exceedances of standards or existing air quality problems. The current air quality is
63 very relevant to the analysis -- the issue isn't whether the Project alone causes a violation. Even very small contributions to existing serious air quality problems is significant. This is particularly important in judging impacts on JTNP where no further degradation or impairment of visibility is acceptable. If air quality standards are exceeded already in the area or visibility is already impaired, any further contribution to the problem is significant.

In several places in the air quality analysis the document sets forth the contribution of the Project as a percentage of the existing air pollution (for example in the case of CO and NO2 impacts from transportation.) This approach to impacts has been rejected by the California courts. Obviously, in areas where the air quality is the worst, even large additional contributions
64 might seem small as a percentage of the existing problem. Significance cannot be judged on a percentage basis, or minimized by comparing it to a resource that is already severely degraded. This approach is repeated throughout the document (for example in the visual resource, land use and recreation sections, in addition to the air quality section) and is totally inappropriate in all instances

relevant to the JTNP. A detailed analysis of the air quality impacts on the JTNP is included in the Draft EIS/EIR (Appendix E, Part 6). This analysis shows that in the absence of background levels, the proposed Project will not exceed the 24-hour or annual PM_{10} standards; however, when impacts from the proposed Project are combined with the background levels monitored at the Project site, the 24-hour PM_{10} levels exceed the standards.

Response to Comment 28-63

The comment is incorrect that page 4.4-6 of the Draft EIS/EIR states that the impact is not significant even in combination with the background levels of pollutants. The document does state that the proposed Project is not expected to result in a violation of the state or national standards for nitrogen dioxide, sulfur dioxide and CO even in combination with background ambient levels measured at the project site. The Draft EIS/EIR goes on to say that the impacts of the proposed Project exacerbate violations of the PM_{10} standard. In judging the significance of impacts in areas with particularly difficult air quality problems, it is often assumed that the existing air quality problem is so severe that <u>any</u> increase in pollution levels, even a fraction of a percent, will be significant. This idea has been used as the basis for requiring that new projects locating in such areas use all possible reasonable mitigation measures to reduce pollution. Based on this philosophy, every possible mitigation measure available in addition to any mitigation measure foreseeable, has been proposed for the Project. Even with mitigation, the Draft EIS/EIR states that the proposed Project would be expected to have a significant effect on air quality Draft EIS/EIR, Part 4, p. 4.4-14).

Response to Comment 28-64

The significance of the proposed Project is not judged on a percentage basis of the existing air pollution as implied by the comment. Although one of the ways the Draft EIS/EIR describes the contribution of the proposed Project is in terms of percentages of existing air pollution problems, the determination of significance is made by evaluating the proposed Project's impacts against significance criteria established by the SCAQMD, the California Air Resources Board and the U.S. Environmental Protection Agency. Part 3 of Appendix E of the Draft EIS/EIR provides a complete description of the criteria used as a measure of significance for the proposed Project. The

65 What is the basis for the conclusion that the Project will not contribute to any ozone problems in the vicinity of the Project and in particular in JTNP. Please reconsider this conclusion

in light of all of the impacts associated with rail haul including the transfer activities. Do the emissions of VOCs from the landfill and on-site mobile sources, and NOx from the flares and mobile sources, contribute to ozone problems in areas east of the Project? What is the cumulative effect of any contribution to ozone formation from Project emissions with ozone resulting from transport pollution? Describe the specific impacts of ozone from all sources (transport and Project) on species in JTNP and CDCA areas.

proposed Project with and without mitigation and all alternatives have been evaluated against the significance criteria identified in Appendix E. These results are also presented in Appendix E of the Draft EIS/EIR. None of the significance levels identified is stated as a percentage of the standard or existing air quality. Air quality impacts have been found to be significant.

Response to Comment 28-65

As discussed in the Draft EIS/EIR (Appendix E, Part 2), ozone is a problematic air contaminant in the SEDAB. A significant portion of the ozone (and ozone precursors) in the SEDAB is transported from the heavily populated SCAB. Likewise, ozone is problematic in the JTNP. Ambient air quality data collected within the JTNP show violations of the state and federal ozone standards. State-sponsored studies have shown that pollution from the Los Angeles basin feeds into the desert through the San Gorgonio Pass and the Cajon Pass. As you move from west to east, both visibility and overall air quality improve. It is difficult to quantify the contribution of ozone from the SCAB; however, the pollution problem in the desert is considered to be almost entirely due to transport of pollutants from the SCAB. As discussed in the Draft EIS/EIR (Appendix E) with regard to ozone problems in the vicinity of the Project, there is not sufficient time for ozone precursors associated with the proposed Project to significantly affect ozone concentrations in the area of the Project. It is expected that these precursors would tend to affect ozone concentrations, if at all, on the eastern edge of the SEDAB, well to the east of JTNP and the portion of the SEDAB affected most by ozone transport from the SCAB. Consequently, it is reasonable to conclude that the emissions for the Project are not expected to contribute significantly to the regional ozone transport problems in the vicinity of the Project. Ozone precursor emission for rail hauling will occur along the route of the rail lines, and will be greatly dispersed. A large fraction (approximately 40 percent) of these emissions will occur in the SCAB, which is where the proposed Project will result in a significant reduction in ozone precursor emissions (Draft EIS/EIR, Appendix E, Part 7.4). Given the reduction in emissions of ozone precursors in the SCAB, the dispersion of the ozone precursor emissions associated with rail hauling emissions, and the length of time necessary to form ozone in the atmosphere, the analysis in the EIS/EIR concludes that the proposed Project, by itself, will not result in significant ozone impacts, including emissions from rail hauling. Nonetheless, given the

existing air quality into which these emissions will be introduced, the proposed Project is expected to result in a significant cumulative impact with respect to ozone (Draft EIS/EIR, Appendix E, Part 4.8.1).

66 Does the Park Service have any guidelines or air policies regarding impairment of visibility in JTNP? If so, the Project's impact on visibility should be compared to those standards as well.

67 Please describe the contribution of the Project to existing visibility problems in JTNP and the surrounding area. Again, the fact that the area is already degraded and is an extremely sensitive area is highly relevant to whether the Project contributes to existing visibility problems. The impacts associated with the Project appear to exceed the standards set forth or are borderline at best. Given the extremely sensitive nature of the surrounding areas and the existing visibility problems, the contribution of the Project to those problems should be considered significant.

68 What is the basis for the conclusion that the plants in JTNP do not appear to be the most sensitive to NO2. What are the plants at issue and what are the specific exposure levels resulting from the Project?

69 The document dismisses the impacts of the Project on visibility in JTNP because it is wilderness area, instead of according the area heightened protection from air impacts. Disregarding the impact of the Project because the lead agencies don't think many people will use the wilderness area and experience the impact, stands the notion of protecting wilderness areas on its head. The fact that the area is remote, and the fact that only hardy people that are able to pack drinking water will use the area, does not mean that the impairment of visibility in a wilderness area is not significant.

Response to Comment 28-66

A detailed analysis of the proposed Project's visibility impacts on the JTNP is included in the Draft EIS/EIR (Appendix E, Part 6). This analysis was performed using NPS-approved procedures. Furthermore, this analysis compares modeled impacts with NPS significance levels. The results of this analysis have been incorporated throughout the Draft EIS/EIR.

Response to Comment 28-67

A complete description of the modeled visibility impacts on the JTNP is contained in Appendix E of the Draft EIS/EIR on pages 6-10 through 6-20. This analysis includes a detailed discussion of significance criteria. The analysis shows that for the proposed Project with mitigation, the maximum number of observations with a delta-E of more than 2.0 was 39 hours per year for that worst impacted observation point. This represent less than 1 percent of the total hours in a year. A delta-E of 2.0 is considered a significant level by the NPS.

Response to Comment 28-68

The Draft EIS/EIR contains a complete description of the air quality impacts on vegetation attributable to the proposed Project (Appendix E, Part 6). This analysis identifies the plants at issue and the threshold levels for vegetation damage. The types of plants that are the most sensitive to high levels of NO_2 are not the variety that are found in the desert. The most sensitive plants tend to be broadleaf plants found in the coastal areas of California rather than the species found in the desert, such as the brush scrub and numerous species of cactus. However, in general, oxides of nitrogen have been dismissed as a major source of damage to vegetation. Although NO_2 can cause injury to mesophyll cells, it usually must be present in concentrations in excess of those normally found in the ambient atmosphere and certainly above concentrations that would be found in the vicinity of the Project site.

Response to Comment 28-69

The Draft EIS/EIR, Appendix E, contains the complete results of the visibility analysis conducted for the proposed Project. Because a more detailed visibility analysis, rather than a simple screening analysis, was conducted for

70 What is the basis for concluding that the JTNP wilderness areas will be used very little in the future? Is this merely an assumption? If JTNP experiences greater use than anticipated, would the impacts to visibility then be significant? Given the lack of firm evidence on which to base usage estimates, are the impacts potentially significant? Has there been any attempt to estimate use of the wilderness areas over the life of the project -- i.e. 50 to 100 years from now? The long life of the Project was critical to justifying the need for the landfill. Some attempt should be made to evaluate whether there may be a substantial increase in the use of the wilderness areas over the next 100 years. In the absence of any real data, isn't it appropriate under NEPA and CEQA to assume that the impact will be significant?

71 What is the relevance of the NSPS standards for non-mineral processing facilities to the landfill operation? What activities are affected by this standard? Provide a clear discussion of fugitive dust control from these and other on-site sources.

the proposed Project, more information is available on visibility impacts under different meteorological conditions and more observation locations than for a screening-type analysis. Although the analysis discusses the likelihood of a casual observer noticing a change in visibility or haze at the closest boundaries of JTNP to the Project site, the fact that fewer visitors will notice such a change does not diminish the impacts from the proposed Project and such impacts are not dismissed in the EIS/EIR.

Response to Comment 28-70

It is assumed that the comment is referring to the section of the visibility analysis in the Draft EIS/EIR where it is stated that the observer locations chosen by the NPS are far from heavily visited areas of JTNP and will see little traffic (Appendix E, Part 6). This statement is currently accurate for these locations and it is expected that this statement will be accurate in the foreseeable future based on the General Management Plan/Development Concept (GMP) Plan EIS prepared by the National Park Service for the JTNP. The GMP shows that there is very little, if any, access to the areas where the observation locations for the visibility analysis were identified. The only legal access to these areas is by foot or horseback. It is these remote areas of the park nearest the proposed Project where the visibility impacts were determined to occur (see Draft EIS/EIR Figure 6-3; page 6-14 of Appendix E). The Draft EIS/EIR indicates that the day-use capacity in the most heavily used areas of the Park would be expanded, primarily in existing disturbed areas rather than currently undisturbed areas. The plan calls for minimization of new disturbance. It is not clear from the JTNP's GMP how the planned changes will affect the growth rate of visitors, but the GMP does not mention any additional campsites or trails in the more remote areas of the park, such as the area studied in the Draft EIS/EIR visibility analysis.

Response to Comment 28-71

As discussed in the Draft EIS/EIR (Appendix E, Part 4.5.1), the federal New Source Performance Standard (NSPS) for nonmetallic mineral processing plants (40 CFR Part 60, Subpart OOO) is applicable to the proposed Project's onsite material processing plants. A detailed discussion of the fugitive dust control measures that are proposed for the proposed Project's material

72 | Does the material available on-site for use as cover and in the liner need any additional

| processing? Are emission estimates provided for this processing?

processing plants and other fugitive dust sources is included in the Draft EIS/EIR (Appendix E, Part 4.6 and Attachment A).

Response to Comment 28-72

It is assumed that the Comment is questioning whether processing over and above that used in typical earthworks projects will be necessary. Processing beyond that normally required will not be necessary for the fine tailings materials. The anticipated process for constructing the low-permeability soil component of the liner and cover consists of excavation, transport to the construction area, and placement and compaction. Watering of the material will occur just prior to excavation and again during placement and compaction. Some mixing of materials may be required. If mixing is required, water will be used as a dust suppressant. Emissions associated with all anticipated processing have been accounted for in the air quality analysis. As discussed in detail in the Draft EIS/EIR (Appendix E, Part 4.3.4), some of the material available onsite for cover and liner construction will require onsite processing. A detailed analysis of the emissions associated with this onsite material processing is included in the Draft EIS/EIR (Appendix E, Attachment A).

73 Please provide substantiation for the conclusion that landfill operations will not result in odor impacts in JTNP. Are any data regarding odor impacts available from other landfills? Have there been instances of odor impacts from other landfills downwind of their operations? At what distances? The table provided to explain odor impacts is impossible for a layman to understand. Please explain the conclusions set forth in the table.

74 Greenhouse gas emissions are discussed for one of the alternatives. Is there a discussion for all of the other alternatives, including the Project, provided in the document?

75 Please discuss the comparison of rail-haul projects to the "No Project" alternative contained in the charts at the end of Section 4.4. What is the basis for the "No Project" emissions estimates? Holding aside the location of the sources, why are the emission estimates substantially greater than the Project emissions? The rail-haul emissions should include emissions from transfer activities necessary for rail disposal.

Response to Comment 28-73

The analysis contained in the Draft EIS/EIR demonstrates that using the maximum expected concentrations of odorous substances that can be expected in a typical landfill and using the maximum landfill gas emission rate, it is expected that the odorous impacts from the landfill will be well below the detection thresholds for each of the substances analyzed (i.e., based on this analysis it is not expected that odors will be detected near the landfill). The data used in this analysis are the typical concentrations of odorous substances from municipal solid waste landfills that were studied by the U.S. Environmental Protection Agency. The odor thresholds were established by the American Industrial Hygiene Association. The relevant information contained in Table 4.4-9 of the Draft EIS/EIR is a comparison of the detection thresholds to the maximum expected impacts. As shown on this table, the maximum expected impacts for the substances analyzed are significantly less than the detection thresholds. Therefore, odors are not expected to be detected near the landfill site.

Response to Comment 28-74

A discussion of greenhouse gas emissions is included in the Draft EIS/EIR for each Project alternative (Appendix E, Parts 4.8.5, 5.1.8.5, 5.2.8.5, 5.3.8.5, and 5.6.7.5).

Response to Comment 28-75

The comparison of alternatives that is contained in the chart at the end of Section 4.4 is discussed in detail in the Draft EIS/EIR. As discussed in the Draft EIS/EIR, the landfill needs will be met through the use of existing, repermitted, or expanded landfills (i.e., the No Action Alternative) and does not assume the operation of any new regional landfills. Emissions for a typical transfer station are also included in Appendix E of the Draft EIS/EIR. As discussed in the Draft EIS/EIR, the emissions estimates for transfer stations were not included with the estimates for rail hauling because these facilities are not proposed as part of the proposed Project and even if they were, would not change the conclusions regarding significance. Also see Response to Comment 28-3.

3.5/4.5 Land Use

The organization of the Land Use section is confusing and difficult to follow. This section fails to adequately disclose the Proposed Project's consistency with existing land uses. Under CEQA, the DEIR must discuss any inconsistencies between the proposed project and existing general plans and regional plans. CEQA Guidelines §15125(b).

Referring only to wilderness areas and surrounding mountainous areas, this section fails to disclose that the vast majority of these acres lie within the boundaries of a National Park. JTNP is located to the North, Northwest, West, Southwest, South, East, and Northeast of the Proposed
76 Project. All land use plans and policies applicable to JTNP must be specifically included in this section. Mere citation to sections scattered throughout the DEIS/EIR does not fulfill the requirement of a full and accurate disclosure of the existing environment. Therefore, the DEIS/EIR must disclose and discuss all applicable land use plans and management policies, including the significant fact that all lands within the border of JTNP are managed as National Park System resources to which Congress has attached special status and special management responsibilities. Applicable references include NPS Organic Act, General Authorities Act, Monument Proclamation, JTNP's enabling legislation, Park General Management Plan, and relevant NPS Guidelines, including but not limited to NPS-77. Similarly, given the recent transfer of land management from BLM to NPS, emphasis should be placed on the differences between BLM management and NPS management requirements.

Regarding the existing Eagle Mountain Mine, identify the specific acreage of the ancillary facilities and open space. It is misleading to combine these two different uses. What is the definition of "open space"? What is that area currently used for? Who owns it? How much of
77 "open space" proposed is already open space? How much is being converted? What percentage of footprint itself is comprised of undisturbed canyon areas?

Response to Comment 28-76

The EIS/EIR contains a full and accurate disclosure of the proposed Project's consistency with existing land use plans and policies, as required under CEQA. The commenter is referred to Sections 3.5 and 4.5 of the EIS/EIR. In addition, numerous references are made throughout the EIS/EIR to NPS land use plans and policies. Also see Response to Comment 1-103.

Response to Comment 28-77

The term "open space and ancillary facilities" as discussed in Section 3.5.1 of the EIS/EIR, generally refers to all areas within the Landfill Specific Plan outside the landfill footprint (where active landfilling would take place). Ancillary facilities are all uses in support of landfilling activities such as the rail and truck handling yards, groundwater monitoring and drainage structures, and the processing of tailings to be used in landfill liner and cover systems. Open space, as it is discussed in the section, is intended to refer only to Planning Area 6 of the Landfill Specific Plan, which is an area that will remain predominantly undisturbed by landfilling or related activities. It will contain some facilities such as drainage structures, detention basins and water storage tanks. The comment also requests clarification of the amount of undisturbed lands that will be converted to landfill uses. As discussed in Section 3.7.1 of the EIS/EIR, approximately 1,038 acres within the proposed landfill footprint are comprised of undisturbed lands. With regard to ownership of the lands, please refer to Figure 5-2 of the EIS/EIR. In addition, Figure 3.5-1 depicts the existing land uses at the portion of the Eagle Mountain Mine proposed for use in connection with the Project.

78 The DEIS/EIR must disclose that the Eagle Mountain rail line is currently unused Therefore, the description should state that "Since 1983, only two shipments of iron ore have been made, one in 1986 and one in 1993." Specifically state each shipment of ore and/or rock since 1983 which Kaiser alleges has maintained its vested mining right and land interests. Please explain the differing positions regarding vested mining rights of Kaiser and County

79 Regarding the existing Townsite, please explain why drinking water is trucked in. Is the local groundwater is contaminated? What is the status of the wastewater treatment system? Why it is operating under modified order 88-14?

80 The presence of a few utility lines and dirt roads does not justify, as the text suggest, the approval of a new use that is completely incompatible with the current land use designations. Please specify the exact distance between the site and the miliary facility. The misleading descriptions of these minor existing uses should be omitted.

81 The location of visitor services and facilities within JTNP 40 to 50 miles from the Project does not indicate that Park locations near the Project are of little or lesser value. To the contrary, the Pinto Basin wilderness allows the enjoyment of and intact ecosystem and solitude, highly-prized values of Joshua Tree National Park. The function and value of a National Park does not lie in parking lots, buildings, roads and visitor centers. JTNP was specifically established to "protect superlative desert resources." 16 U.S.C. § 410aaa-41 Low visitation does not diminish the Congressional mandate to protect desert resources. In fact, the value of pristine wilderness areas is enhanced by limited human presence. Accordingly, the impact on these areas by the Proposed Project is not diminished by low visitation. Rather, the impacts of the Project on the resources of and visitors to these wilderness areas are magnified by their otherwise isolated and pristine natural state

Response to Comment 28-78

The EIS/EIR is correct as written and, therefore, no change elaborating on mining-related shipments is required. This EIS/EIR does not address impacts associated with future mining. If future mining of the site were subsequently proposed, additional environmental documentation would be prepared.

Response to Comment 28-79

As noted in Section 3.12 of the Draft EIS/EIR, prior to the early 1980s, well water was used by Kaiser for domestic purposes at the Townsite. In the early 1980s, it was determined that naturally occurring fluoride levels exceeded allowable state drinking water standards. While groundwater continues to be used at the Townsite for industrial and domestic purposes, all drinking water is provided by tanker truck or in bottles. For a detailed discussion of the present quality of groundwater within the vicinity of the proposed Project, the commenter is referred to Section 3.1.3 of the Draft EIS/EIR.

With regard to Order 88-014 (California Regional Water Quality Control Board, Colorado River Basin Region), this order specifies waste discharge requirements for the operation of four oxidation basins (lagoons) for the treatment of domestic sewage from the Department of Corrections prison facility.

Response to Comment 28-80

The presence of utility lines and roads in the EIS/EIR is an accurate depiction of existing conditions within the vicinity of the proposed Project. The proposed landfill and its compatibility with existing land use designations is discussed in Section 4.5 of the EIS/EIR. Also see Response to Comment 1-103. With regard to "the military facility," it is assumed that the comment is referring to Twentynine Palms Marine Base, which is approximately 40 miles northwest of the proposed landfill site.

Response to Comment 28-81

Comment acknowledged. The importance and sensitive nature of the remote wilderness experience is acknowledged in EIS/EIR Sections 3.10, 3.11, 4.10, and 4.11. See also General Response 3 and Response to Comments 1-53 and 1-125. The potential impacts occurring in these remote areas are not of

82 The conclusion that "no significant impacts are anticipated" on JTNP is based on the statement that the Project site closest to JTNP is a buffer area under the Specific Plan for the Townsite and would be managed as an open space resource along perimeter of project. What is Kaiser's definition of open space? How would open space be managed?

83 Federal BLM lands in the area of the proposed right-of-way are Class L. Class L guidelines allow for the use of a railroad only to serve authorized uses and only if no other alternative is possible. This conflict should be disclosed and discussed as a significant impact to land use policies. Alternatives to using the rail line for solid waste disposal are available and should be analyzed in the alternatives sections. Is the proposed landfill an authorized use under the California Desert Conservation Area ("CDCA") land use policies?

84 Three local Areas of Critical Environmental Concern ("ACEC") are discussed. Neither the Map nor text identifies the size of these areas. Figure 3.5-5 is inadequate and uninformative. Please provide this information. The proposed railroad passes through two ACECs. Is this a violation of BLM land use policies? Is it legally permitted under BLM land use regulations to permit a land exchange and right-of-way grant that violates BLM land use policies?

greater magnitude than those that potentially affect other wilderness areas. Resources are evaluated on the basis of significance standards and the extent to which the Project will impact those resources. Also see Response to Comment 1-127.

Response to Comment 28-82

The comment is incorrect that the determination of no significant impacts on JTNP is "based on the statement that the Project site closest to JTNP is a buffer area." The text in question refers to BLM boundary modifications that incorporate land to the south and west of the Project into JTNP. Planning Area 12 of the Townsite (Draft EIS/EIR Figure 2-7) consists of approximately 182 acres and will be managed by Kaiser as private open space/recreational area which means it will remain predominantly undeveloped with the exception of trails and other potential recreational uses. The existing rail line, utility lines, and access roads will remain in place. This open space acts as a buffer between the BLM lands and more intensive uses of the Townsite. The conclusion of no significant impacts to JTNP is based on numerous analyses for resources discussed throughout Section 4 of the Draft EIS/EIR. Further discussion regarding potential impacts to JTNP is in Land Use on page 4.5-14, in Visual and Recreation in Section 4.10, in Wilderness, Section 4.11, and throughout the document.) The NPS has also entered into an Agreement with Kaiser/MRC in which NPS states that the EIS/EIR is a "complete analysis of the known effects of the Project upon the environment."

Response to Comment 28-83

The Class L guidelines contained in the Draft EIS/EIR as Appendix item B-2, and are specifically discussed in Section 3.5.3.1 of the Draft EIS/EIR. The comment reference to an existing railroad on BLM lands as a conflict is incorrect. BLM land use guidelines allow use of a railroad on BLM lands if the railroad is an existing transportation infrastructure. The Eagle Mountain Railroad is an existing structure.

Response to Comment 28-84

As noted in Section 3.5.3.1, the Salt Creek/DOS Palmas ACEC comprises approximately 4,000 acres with a proposed expansion to approximately 15,000 acres. The Corn Springs ACEC comprises 2,720 acres and the

Chuckwalla Bench ACEC comprises approximately 91,592 acres, of which 76,375 acres are public lands.

In the context of the EIS/EIR, Figure 3.5-5 is adequate to provide an overview of the federal lands administered by the BLM and NPS in the vicinity of the proposed Project that are encompassed geographically by the California Desert Conservation Area. However, in response to this and related comments, a new Figure (6-1) has been added to the Final EIS/EIR to show more clearly the relationship between key Project features and BLM ACECs. This change does not alter the analyses or conclusions of the EIS/EIR. BLM is of the opinion that resumption of regular use of the existing Eagle Mountain Railroad would be legal and acceptable under current BLM land use plans and policies.

The standards of significance are set too high. "Numerous conflicts" and "highly intensive conflicts" are excessive and permit analysis of the Project that omits disclosure of otherwise significant impacts. The severe impacts on land use caused by the Project, however, trigger even these excessive standards. The significance standards should be lowered, as follows:

85

-- Project substantially impedes the intent of general land use policies.
-- Project would not generally meet the intent of general land use policies.
-- Project is not consistent with area designation or zoning.
-- Project will result in adverse impacts on adjacent land uses.

Section 4.5.2 and 4.5.3 are confusing and misleading. What is being evaluated in this section? Section 4.5.2 substantially repeats section 2, project description. The description of land uses in the "immediate vicinity" is conclusive and fails to offer any supporting evidence to support the opinions stated. What is the population of the surrounding communities?

86

BLM plans and policies regarding land use are inadequately described in this section. Existing land classification of the entire affected area, including Project site, rail line and other transportation routes, right-of-way area must be fully disclosed. The conclusion that "land use impacts along the regional rail corridors . . . are expected to be negligible" is entirely unsupported. What is the negligible impact? What is the increase in rail traffic?

The analysis in Section 4.5.4 is concluded with the statement that because of the land exchange and land use amendments, there will be no conflicts with existing land uses. It is incorrect to evaluate impacts based on proposed land use changes. All inconsistencies of the Proposed Project with existing land uses and policies must be evaluated in the DEIS/EIR. The conclusions regarding impacts on BLM land use plans and policies inappropriately relies on the proposed land exchange to support a finding of no significant impacts. In fact, inconsistencies are apparent. For example, as discussed above, the proposed rail road use is inconsistent with BLM's Class L designation.

87

Response to Comment 28-85

The standards of significance are in accordance with CEQA/NEPA Guidelines and have met with approval of the BLM and the County of Riverside. In addition, the NPS states that the EIS/EIR is a complete analysis of the known effects of the Project upon the environment.

Response to Comment 28-86

Sections 4.5.2 and 4.5.3 provide evaluations of potential land use compatibility impacts within the Project site (i.e., within the areas addressed by the Specific Plans for the landfill and the Townsite) and within the immediate vicinity of the Project site (i.e., areas proximate to the landfill and Townsite, including Lake Tamarisk, Desert Center, and JTNP and contain detailed discussions of existing conditions and impacts). The comment's characterization of the description of land uses in the immediate vicinity as "conclusive" is not supported. Each potential impact is discussed in detail, with supporting information provided or cross-referenced to other sections within the EIS/EIR that support impact conclusions. With regard to populations in surrounding communities, the commenter is referred to EIS/EIR Section 3.8, Growth Inducement and Socioeconomics.

In reference to the comment's characterization of the description of BLM land use plans and policies as "inadequate," the existing BLM land use plans and policies are thoroughly described and discussed in Section 3.5.3.11, and Appendix B-2 of the EIS/EIR.

As noted on EIS/EIR page 4.5-16, the regional rail lines of concern represent existing and established land use relationships that would not be expected to be affected adversely by the minor increase in train traffic associated with the proposed Project. The commenter is referred to EIS/EIR Section 4.3 and Appendix D for a discussion of rail traffic impacts.

Response to Comment 28-87

The finding of a significant land use impact on the basis of inconsistencies with existing General Plan and zoning designations is not an appropriate interpretation of assessing land use impacts. A change of zone or general plan amendment in itself does not constitute an environmental impact. Only

88 What is the Environmental Hazards and Resource Map? What it its purpose? What is the Composite Environmental Resource Map? What is its purpose? Are the proposed land uses consistent with the designations under these maps? Under whose authority are these land uses designated?

89 The Chuckwalla Land Use Planning Area is identified, but not discussed. The discussion of which designation should be given to the Project site misses the point. The DEIS/EIR must evaluate whether the Proposed Project's land use is consistent with existing land use designations. No such consistency determination is provided.

the effect of the land use change on the environment can be reasonably evaluated. The environmental effects of the Project itself are evaluated by individual topic area (e.g., air quality, water quality) throughout the EIS/EIR. Analysis of policy and policy conflicts are included primarily as a matter of disclosure rather than as an assessment of environmental impacts. It should also be noted that, under the predominant General Plan designations for the site (Mountainous Areas and Desert Areas) landfilling is an allowable use. The ultimate determination of consistency with applicable plans will be made by the lead agency decisionmakers.

Response to Comment 28-88

The Composite Environmental Hazards and Resources Maps are contained in the Riverside County Comprehensive General Plan as part of the Open Space and Conservation Inventory. These maps provide an initial overview of potential environmental constraints that could affect a development proposal. The maps do not provide land use designations; rather, they provide a generalized indication of existing hazards and resources.

Response to Comment 28-89

It is not the objective of the Chuckwalla Land Use Planning Area (CLUPA) to establish land use, but merely to provide a regional context for planning based on SCAG forecasts. The CLUPA profile contains only a general discussion of what is existing within the 3,629 square mile Planning Area and does not establish land uses that pertain to the Eagle Mountain area. As discussed on page 4.5-21 of the EIS/EIR, the General Plan notes the economic infeasibility of mining in the Eagle Mountain area as a result of curtailing mining and does not give a detailed description of the area. The EIS/EIR notes that a number of existing characteristics in the vicinity of the Project that are not discussed in General Plan could contribute to potential land uses. They include the Eagle Mountain Community Correctional Facility; MWD Pumping Plant and Community; the Eagle Mountain Railroad; the state prisons near Blythe; and the existing school facilities and infrastructure available at the Townsite. The only policy under the "Eagle Mountain Area" discussion in the CLUPA states that "Future land uses in this area should be open space and conservation land uses, with mining a possible use if the Eagle Mountain facility is reopened." As noted in Response to

90 With regard to zoning, the DEIS/EIR does not analyze the Project's consistency with existing designations Only the irrelevant conclusion that "[t]hese zones will be replaced by a Specific Plan zone designation for each portion of the Proposed Project The Specific Zone will

be created to support the addition of the landfill, expanded development of the existing Townsite and associated uses for each."
As discussed, it is entirely inappropriate to rely on land use *changes* to justify a lack of impacts on *existing* policies and uses.

Comment 28-87, the predominant classification of the proposed landfill site on the Open Space and Conservation map of the General Plan is Mountainous Areas and Desert Areas, which allow landfilling. It is stated on page 4.5-20 of the EIS/EIR that the Project is not consistent with the other designation, Mineral Resources, and will require an amendment of the General Plan to a Specific Plan designation. The Specific Plans for the proposed Landfill and Townsite, if approved, will establish specific allowable uses for the Project site.

Response to Comment 28-90

Pages 4.5-27 and 4.5-28 of the EIS/EIR fully discuss the current County Zoning designations within the Project site and allowable uses within each zone and further discloses that the current zoning will be replaced by a Specific Plan Zoning designation supported by a zoning ordinance. The effects of the change in land use as a result of the zone change are discussed in Section 4.5 and throughout the document.

3.7/4.7 Biological Resources

According to the DEIS/EIR, the biological resources evaluated in this section are based on information from the legally invalid 1992 EIS/EIR and two consulting firms. Excluded from this short list of resources is the National Park Service. While the DEIS/EIR identifies the National Park Service as a cooperating agency, the deficiencies of the document evidence the a failure to consider the Park Service's voluminous input throughout the Project's environmental review process.

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As a result, the Biological Resources section is biased toward a discussion of "special-status" species. The NPS is charged with the preservation and long-term protection of all park resources, including ecological relationships and natural ecosystems of all species. The DEIS/EIR must describe all species included in the desert ecosystem, including special focus on JTNP biological resources, and consider the Projects impacts to all species.

The National Park Service's Expert Opinions Must Be Fully Incorporated into this DEIS/EIR. NEPA defines a "cooperating agency" as any Federal agency which has jurisdiction by law or which has special expertise with respect to any environmental issue, which should be addressed in the statement. 40 C.F.R. § 1501.6. Even outside the boundary of Joshua Tree National Park, the National Park Service has jurisdiction over activities which threaten to impact the park's resources. The National Park Service has the highest level of "special expertise" relevant to the impacts on park resources -- including air quality, visual resources, aesthetics, biological resources, and ecosystems -- from decades of experience in protecting and preserving these and other park resources. Largely a result of the drafter's failure to utilize the expert comments and concerns provided by the National Park Service, the DEIS/EIR inadequately evaluates the true impacts of the Landfill Project, including impacts on the JTNP's biological resources, failing to meet even the most basic requirements of federal and state law.

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The Proposed Project Requires Reinitiation of Formal Consultation with the U.S. Fish and Wildlife Service in Accordance with the Endangered Species Act. The Landfill Project poses many threats to the desert's endangered and threatened plant and animal species. Based on outdated baseline studies and stale biological opinions, the impacts analysis on desert plants and animals is entirely inadequate. Existing Biological Opinions issued by U.S. Fish and Wildlife Service ("USFWS") (as well as all State Fish & Game permits) are based on outdated information and cannot be relied upon in this document. In the years since the 1992 EIS/EIR and its associated opinions and permits were issued, the Superior Court has determined that impacts on the desert tortoise were inadequately addressed in the 1992 EIS/EIR, federal protection for the desert tortoise has increased through the designation of critical habitat, and Congress has enacted the CDPA to enhance the preservation of unique desert ecosystem. These events, along with updated studies and baseline information, have substantially change the circumstances and

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considerations appropriate under federal and state laws protecting special status species and call for a re-evaluation of habitat-wide consequences resulting from the Landfill Project.

Response to Comment 28-91

Decertification of the previous EIS/EIR was based on a determination that certain portions of the analysis of some impacts did not contain sufficient data for analysis. This does not invalidate data collected for that document, although data were updated to reflect changes since 1992. Information provided by the NPS was used in describing resources and evaluating impacts and is cited throughout the Draft EIS/EIR and referenced in Section 9.0, References Cited. Assessment of impacts is not limited to special status species. Potential ecosystem impacts are addressed in Section 4.7.4. Please see also General Response 6.

Response to Comment 28-92

Throughout the preparation of the EIS/EIR, NPS and JTNP staff were consulted, both to obtain park-specific data and to ensure that any impacts of the Project on JTNP are fully evaluated and, where appropriate, mitigated. As a cooperating agency in the NEPA process, the NPS has provided input at every stage, including extensive comments on the Standards of Significance (December 1995),an Administrative Draft of the Draft EIS/EIR (January 1996), and on the Draft EIS/EIR (July 1996). In addition, numerous meetings have been conducted with the NPS and JTNP staff to discuss park-related concerns and comments. As the lead agency, the BLM has fully considered the NPS's input and has made appropriate changes in the EIS/EIR. The NPS acknowledges that impacts have been reduced to the level of insignificance. Please see the Agreement between the NPS and MRC (Appendix T), in which NPS states that the EIS/EIR is a "complete analysis of the known effects of the Project upon the environment."

Response to Comment 28-93

See Response to Comments 1-107 and 24-2.

Section 7 of the Endangered Species Act ("ESA") requires the Secretary of the Interior to ensure that an action of a federal agency is not likely to jeopardize the continued existence of any threatened or endangered species. 16 U.S.C. § 1536. Provisions of the ESA and the regulations promulgated thereunder mandate a process of consultation with the USFWS whereby a "biological opinion" evaluating the nature and extent of jeopardy posed to species affected by the agency action. Id.; 50 C.F.R. § 401 et seq. After initiation of consultation, the agency shall not
94 make any irreversible or irretrievable commitment of resources with respect to the agency action which has the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures. Id. The DEIS/EIR makes no reference to the results of recent consultation with USFWS nor any updated biological opinions required under the ESA. Accordingly, any agency action regarding the proposed Landfill Project will be a violation of the ESA, *unless and until* the USFWS, in compliance with Section 7 of the ESA, issues an updated Biological Opinion analyzing whether this Project is likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of the critical habitat of these species and determining all reasonable and prudent measures.

3.7.1 Regional Setting

Surrounded on three sides by JTNP, the Proposed Project's biological setting is virtually indistinguishable from that of JTNP. This dry, seemingly barren and harsh desert in fact represents one of the most infinitely variable and fragile habitats on earth. The desert ecosystem is complex and delicately balanced. This balance is maintained by the limited nutrients, sparse water and minimal human development. With annual rainfall ranging from 4-12 inches and
95 summer temperatures regularly exceeding 100 degrees Fahrenheit, both wildlife and vegetation must adapt to harsh conditions and short periods of suitable conditions for feeding, growth and reproduction. Subtle changes in any of these factors can effect a profound regional change in the fragile desert habitat. For example, small amounts of water or trash can upset this balance, and set changes in motion which affect the entire ecological region. Of the twenty thousand tons of trash per day planned to be deposited into this fragile ecosystem, the release of even a small amount of enrichment will attract opportunistic alien animal species, artificially increase native populations, and set in motion irreversible disruption of the balanced ecosystem. Similar impacts can be expected from increased water sources (dust control, soil compaction, water storage), increased utilization of roads and railroads providing sources of dead animals. Similarly, re-population of the townsite will provide new sources of human food. The Proposed Project will create a distinct degradation of those pristine values that maintain and preserve the desert ecosystem.

The DEIS/EIR presents a confusing and contradictory description of the Regional Setting for Biological Resources. Rather than discuss the actual "region", this section offers just two
96 paragraphs which (1) disclose that 1,038 acres of undisturbed land is within the landfill footprint and (2) describe the route of Eagle Mountain Railroad. The potential impacts of the Proposed

Project are not limited to the project footprint but will affect the entire area including the national park lands, and therefore, cannot be properly evaluated without thorough and complete discussion of the regional vegetation and wildlife. Information in this section should include a discussion of the proximity of JTNP and its biological setting, and the diversity of species and habitat supported by this desert region.

Response to Comment 28-94

See Response to Comments 1-107 and 24-2.

Response to Comment 28-95

Project features and mitigation to reduce or avoid nutrient enrichment are discussed in Section 4.7 and are considered sufficient to reduce the potential for this impact below the level of significance. See also General Response 6.

Response to Comment 28-96

Although the primary focus of this section is the area immediately surrounding Project features, this section does, however, discuss plant and wildlife resources at JTNP and includes extensive tables of special-status plant and wildlife species in the Project area and region.

3.7.2 Vegetation

The vegetation analysis is improperly limited to species and habitat occurring within the project area or along the Eagle Mountain Railroad. The DEIS/EIR must disclose all existing plant species and habitat areas which may be impacted by the Proposed Project. This includes species actually existing in the project area, potentially existing in the project area, *and species within the region which are potentially impacted by the project.* Figures 3.7-1 and 2, identifying species and habitat confined to the borders of the Proposed Project reveal the myopic analysis presented by the DEIS/EIR.

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3.7.3 Wildlife

The DEIS/EIR acknowledges that wildlife species are mobile and that species not observed during surveys could move through or occupy habitats in the Project area. However, no consideration of the "regional wildlife setting" is offered in recognition of the potential impacts of the Proposed Project *beyond the project site and its immediate surroundings.*

The surveys conducted appear to be limited to the Landfill and Townsite boundaries and the existing Eagle Mountain Road. The DEIS/EIR should include an accurate survey of all possible areas of impact, including impacts of the Eagle Mountain Rail line. Additionally, all available data on wildlife populations (from NPS, NBS or other public and private organizations) should be incorporated into this document.

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Desert Pupfish. This section must include a map and description of the BLM designated ACEC for the pupfish. Failure to provide this information deprives the public of the opportunity to understand and comment on the evaluation presented in the DEIS/EIR regarding the Proposed Projects impacts on the pupfish.

Desert Tortoise. Critical habitat for the Desert Tortoise has been designated. A map and thorough description of these areas must be included in the DEIS/EIR. The boundaries of JTNP should be included in any map depicting critical habitat for the desert tortoise. Much of JTNP would have been specifically included in the critical habitat area, but such designation was considered duplicative of existing National Park protection. Exclusion of the Park lands from critical habitat designation, therefore, cannot be construed or depicted as an area of lesser protection for this extremely endangered species.

New information regarding the desert tortoise and the big horn sheep in and around the Project site mandates the reinitiation of consultation under Section 7 of the ESA. NPS is

conducting ongoing desert tortoise research which must be incorporated into the DEIS/EIR. Such readily available data must be utilized in the analysis of desert tortoise. Existing 1995/1996 population data cannot be omitted merely because a full report of "results" is not currently available.

Response to Comment 28-97

The potential impacts to species in the region and applicable mitigation measures are discussed in detail in Section 4.7 of the EIS/EIR.

Response to Comment 28-98

For the Comment on regional wildlife setting, see Response to Comment 28-96. The Dos Palmas/Salt Creek ACEC is shown on Figure K of Appendix G and referenced on pages 3-5 and 3-21 of Appendix G. All information collected on the desert tortoise, both for the previous EIS/EIR (i.e., the 2-year monitoring period during 1993 and 1994) and information collected in 1995, was used to assess impacts to desert tortoise. Results from surveys by the NPS conducted in 1995 and 1996 were requested, but according to NPS will not be available until 1997. NPS staff were consulted throughout the analysis conducted for biological resources, as well as for all other potential impacts, and all information provided by them was used in evaluation of impacts to desert tortoise.

Response to Comment 28-99

Mitigation measures included in biological opinions and other measures proposed for the Project will reduce impacts to less than significant and, therefore, will not have "profound effects on the endangered, threatened, and candidate species" as stated in the Comment. See Response to Comments 24-2 and 28-91 and Section 4.7.3 of the DEIS/EIR. Also see General Responses 3 and 6. In reference to impacts to bats, see Response to Comments 1-8, 8-10, and 26-20. In reference to the no jeopardy opinions, the comment is incorrect that they are "outdated" see Response to Comments 1-107 and 24-2.

4.7 Impacts on Biological Resources

The construction and operation of the Eagle Mountain Landfill will have profound effects on the endangered, threatened and candidate species that inhabit this unique desert ecosystem. Both plant and animal populations are threatened by the proposed landfill. Surrounding the proposed Landfill site lies critical habitat for the endangered desert tortoise. The desert tortoise is threatened by noise and vibration from the railroad, increased populations of ravens which prey on
99 juveniles, and increased air pollutants from rail engines and vehicle traffic. In addition, the proposed rights-of-way will cut through essential habitat of the desert Pupfish -- another listed species which lives in streams adjacent to the railroad. This limited habitat is subject to contamination from railroad operations. Also, the California leaf-nosed bat has but one winter roost site, located in Eagle Mountain Mine, which will be completely disrupted by the landfill project.

The introduction to the "impacts" section cites to two outdated "no jeopardy" opinions and states, "This section updates biological resource information and addressed impacts and effectiveness of proposed mitigation." The existence of "updated" biological resource information points out the inapplicability of past USFWS opinions regarding project impacts. Moreover, this section must include all information on biological resources and should not rely on information contained in the prior EIS/EIR, deemed inadequate by the San Diego Superior Court.

4.7.1 Standards of Significance

The single significance criterium proposed for biological resources is improper and overly severe. The significance thresholds suggested under CEQA include affects which "interfere
100 substantially with" species, "substantially diminish habitat" or "substantially degrade habitat." Rather than evaluate the impacts of the Proposed Project under these standards, the DEIS/EIR raises the standard of significance to "conditions sufficient to jeopardize the long-term persistence of the resource in question." This standard, usually reserved only for federal listing of endangered species under the ESA, is entirely inappropriate under NEPA and CEQA review. Under this extreme standard, an impact on a species could not be deemed "significant" unless that impact is sufficient to drive that species extinct.

The impact assessment for this section must be reevaluated under proper standards of significance. The standards must include the long-term and possibly subtle ecological effects of the Project in accordance with the NPS mandate to prevent degradation of and preserve all park resources *unimpaired for future generations*. In addition, the significance criteria should be revised as follows:

Response to Comment 28-100

In referring to the significance standards as "overly severe," it is assumed that the comment's intent is that the standards are too lenient, rather than too severe. The standards of significance are applied in the document to determine whether an impact has the potential to reduce the likelihood the of the persistence of the local population of the species in question. If the impact is considered to allow persistence of self-sustaining local populations of the species in question, it is considered not to be significant. This application is reflected in the finding of significant adverse impact to California leaf-nosed bat as a result of the loss of Kaiser adit. Loss of this roost could potentially result in the loss of the local population and is considered a significant impact. Loss of the adit is not, however, sufficient to drive the species to extinction or to cause it to be listed as endangered under the federal ESA. In fact, the status of the species, which was formerly Category 2 candidate has been revised and the bat now has no formally recognized federal status, along with many other Category 2 candidates. Category 2 candidate status is no longer used by the USFWS. The standards of significance in the Draft EIS/EIR account for the issues cited in this comment. Also see General Responses 3 and 6.

-- Loss or degradation of vegetation or wildlife habitat that ins not common in the region,
-- Loss of individuals or populations of threatened or endangered plants or wildlife,
-- Elimination of populations of sensitive plants or wildlife,
-- Loss or degradation of wetlands or wetland vegetation;
-- Loss or degradation of habitat for sensitive species;
-- Permanent change in the movement corridors or patterns of any resident or migratory fish or wildlife species.

4.7.3 Proposed Action

In addition to the application of incorrect and excessive significance criteria, the DEIS/EIR lacks any analysis of potential impacts and, instead, offers conclusory statements unsupported by evidence in the record. NEPA and CEQA require that each conclusion regarding impact significance must be supported by evidence in the DEIS/EIR or in readily available outside resources. Absent the necessary factual basis supporting the assessment of impacts on plant and
101 wildlife species, the DEIS/EIR is legally deficient.

Where significant impacts are acknowledged, the DEIS/EIR inappropriately uses the phrase "would be considered a significant adverse impact." This language misleads the reader by inferring that approval of the Proposed Project may not result in the identified impact. As discussed above, NEPA and CEQA mandate that the DEIS/EIR set forth an accurate view of the project to allow the public and decision-makers to balance the proposal's benefits against its environmental costs, consider mitigation measures, assess the advantage of terminating the proposal and weigh other alternatives in the balance. Accordingly, the DEIS/EIR must affirmatively identify all expected adverse impacts. Thus, the language used throughout the DEIS/EIR impacts analysis must be altered to affirmatively acknowledge, where appropriate, that the Project's impacts *will be* significant.

Missing from the impacts analysis is any consideration of impacts to resources of JTNP. As stated above, any impairment of the resources of JTNP should be considered a significant impact warranting all feasible mitigation. Reliance on standards applicable under the ESA is inappropriate. Even where the potential impacts on certain endangered and threatened species do
102 not reach the threshold level of "jeopardy" as defined in the ESA, the NPS standards and policies for resource management are aimed at long-term ecosystem preservation. The National Park Service seeks to preserve and protect entire ecosystems by maintaining their integrity and by avoiding interferences with the natural ecosystem processes that perpetuate them. Impairment of Park wildlife and endemic plants includes more subtle impacts such as local water draw-down, air quality impact, extended home ranges and unbalanced predator/prey relations, extended movement patterns, and the introduction of non-native flora and fauna. Thus, while the ESA is aimed at preventing extinction of already threatened species, the Organic Act mandates a much higher level of protection -- calling for preservation and enhancement of the Parks' natural ecosystems. These consideration cannot be omitted from review of this massively invasive landfill project proposed to be located adjacent to a National Park.

Response to Comment 28-101

The EIS/EIR assumes the implementation of each alternative in discussing the potential impacts of that alternative. Indeed, it is impossible to describe the impacts of an alternative without assuming (for purposes of that discussion) that the alternative will be implemented. Thus, the use of the term "would" in the context mentioned in the comment is not intended to reflect any uncertainty about the likelihood of particular impacts. Instead, the EIS/EIR simply describes the consequences that "would" occur if the proposed action were adopted, the consequences that "would" occur if the No Action Alternative were adopted, and so on. This terminology is consistent with common usage and will be readily understood by readers of the document.

Response to Comment 28-102

The potential for the proposed Project to adversely affect resources within JTNP has been addressed and evaluated throughout the EIS/EIR for each resource area. Based on the assessment of impacts and mitigation measures for the proposed Project, the impacts to species beyond the Project boundaries is sufficiently addressed. In addition, and apart from the NEPA process, the Project applicant (MRC) has met with NPS officials, including staff from the JTNP, to negotiate an Agreement that addresses potential long-term, unforeseeable impacts of the Project on the desert environment. See Appendix T. Although the Agreement is not required by NEPA or any other law, the Agreement contains contractual obligations between NPS and Kaiser/MRC in excess of those identified in the EIS/EIR. These obligations do not alter the analyses or conclusions of the EIS/EIR. See also General Response 6 concerning ecosystem and biodiversity effects.

With regard to the issue of significance standards for impact, the commenter is referred to Response to Comment 28-100 and General Response 3.

The myopic focus on species specific impacts, at the expense of the ecosystem, is further evidenced by the absence of any analysis of the long-term impacts of a rail haul project caused by wide-ranging habitat degradation and disruption. These direct and indirect impacts on sensitive desert plant and wildlife resources and on habitats are especially severe given their slow recovery from disturbance.

103 The loss of Sonoran creosote bush scrub and other plant communities and the resulting reduction in habitat availability for common wildlife species is inadequately evaluated. Citation to the BLM land exchange as mitigation is inappropriate because no analysis or evaluation of the land exchange is presented in the DEIS/EIR. Similarly, the Environmental Mitigation Trust is an inappropriate mitigation measure because the alleged acquisition of protected habitat, its location, size and expected benefits are not disclosed in the DEIS/EIR or associated documents. Therefore, the conclusion that the loss of common wildlife habitat will not affect the wildlife is not supported by evidence in the record.

104 The impact analysis for the Desert Pupfish should be updated. Potential impacts include degradation of habitat from rail accident or major construction of tresle over habitat. What are the construction plans and how would they impact the pupfish habitat? Is the potential for contamination of pupfish habitat from waste escaping from rail cars considered an impact of the Proposed Project? The DEIS/EIR states that "specially designed rail cars" will be used to prevent such occurrence. However, there is no discussion of the consequences of waste escaping along the railroad. The DEIS/EIR must evaluate the potential for waste release and the specific impacts associated with such releases.

105 The discussion of a possible rail accident is cursory and inadequate. The DEIS/EIR acknowledges that the rail accident impacts would be significant, but fails to describe the extent or degree of these impacts. The DEIS/EIR must address the following questions. What is the likelihood of such an accident? Are there any mitigation measures which would reduce this likelihood? How many pupfish could be affected by a rail accident? What other impacts would be caused by a rail accident?

Response to Comment 28-103

Long-term, wide-ranging habitat degradation and disruption will not result from reactivation of the rail line. Mitigation (detailed in Section 4.7.3) to address potential impacts resulting from use of the rail line will reduce these impacts to be less than significant. Loss of habitat for common wildlife species is adequately evaluated in Section 4.7, and acquisition of habitat for common and special-status wildlife species will mitigate for habitat loss over the life of the Project. The mechanism for habitat acquisition and initially identified priority areas for acquisition are included in the California Endangered Species Act Memorandum of Understanding by and between California Department of Fish and Game and MRC, which is referenced in Appendix G of the Draft EIS/EIR and described in Section 4.7.3.3. These priorities were identified by resource agencies as areas important to protect plant and animals species, ecological function and biological diversity. Also see Response to Comment Letters 8 and 8(a).

Response to Comment 28-104

The Draft EIS/EIR discusses potential for impacts associated with rail accidents and construction in Section 4.7.3.2 and, along with the Biological Opinion, includes mitigation in 4.7.3.3 to reduce those impacts to less than significant. Waste escaping from rail cars is not considered to be a significant impact because of specially designed rail cars to prevent this occurrence, as described in the Project Description (see Section 2 of the EIS/EIR).

Response to Comment 28-105

The comment that the discussion of rail accidents is "cursory and inadequate" is unsupported. Discussion of a rail accident in the vicinity of the desert pupfish population in Salt Creek, as well as the number of fish potentially affected, has the possibility to occur but is considered unlikely. The Draft EIS/EIR does discuss potential impacts of a rail accident in Section 4.7.3.2 and identifies the amount of habitat potentially affected. Mitigation for rail accidents also is discussed in Section 4.2, Public Health and Safety. Additionally, the Draft EIS/EIR outlines mitigation in Section 4.7.3.3 that would reduce the likelihood of rail-line-associated impacts to the pupfish.

Additional Desert Tortoise information from 1995 and 1996 studies indicate a significant increase in impacts of the Proposed Project on this species. This additional information triggers the consultation requirements of Section 7 of the ESA. Furthermore, when evaluated under
106 appropriate level of significance, the impacts on the Desert Tortoise from the proposed Project is significant with respect to the population viability, Park resource impairment, desert resource impairment, and ecosystem impact. The DEIS/EIR must fully evaluate and disclose these impacts.

The cumulative impacts discussion contained in Section 5 concludes that there will be no significant cumulative impacts to any endangered or threatened species or other biological
107 resources as a result of the Project and other desert landfill projects. This is based on the contention that none of the projects will have any significant impact on any biological resources after mitigation. These types of regional projects clearly are having a significant cumulative

impact on endangered and threatened species and other sensitive habitat and biological resources throughout the desert region. This is precisely the type of impact that the cumulative impacts analysis is intended to describe. The conclusion regarding biological resources should be revised to reflect a significant cumulative impact.

Response to Comment 28-106

The commenter is incorrect in the interpretation of these studies. The 1995 and 1996 studies conducted for this EIS/EIR found the following new tortoise sign: (1) evidence of several tortoises within the 150-acre, southeastern bermed area; (2) new tortoise sign immediately east of Phase 5 area; and (3) two burrows and four scat south of the Townsite (although RECON [1991] had already documented tortoise sign in this area). These findings do not represent significant new tortoise populations in the area. These findings were reviewed and considered by the USFWS and resulted in no changes to the original Biological Opinion. Loss of an additional 10 acres in the bermed area will be replaced by an additional 25 acres, making a total of 400 acres of prime tortoise habitat that will be managed for tortoises. Again, while these new findings do require modification of existing measures, they do not identify significant new impacts. See also General Response 6.

Response to Comment 28-107

Section 5.5.2.7 of the Draft EIS/EIR addresses the cumulative impacts of the Eagle Mountain landfill in combination with other projects on biological resources. On the basis of an assessment of information collected on the current status of those resources and anticipated impacts and mitigation, the comment's statement concerning cumulative impacts is not supported and the suggestion that the regional projects "clearly are having a significant cumulative impact" is not substantiated by this information.

4.7.3.3 Mitigation

As discussed in detail above, the mitigation measures outlined in this section fail to meet
108 this essential mandate of NEPA and CEQA. The discussion improperly relies on overruled opinions and outdated data. The proposed mitigation is ill-defined, unenforceable, and fails to reduce the anticipated significant impacts of the project to a level below significant

Specifically, the DEIS/EIR's own analysis reveals that the proposed Desert Tortoise mitigation measures are anticipated to be largely ineffective. The analysis of the mitigation's effectiveness was based on past short-term construction projects. Typically, these projects involved a short construction phase during which time habitat was disturbed or destroyed,
109 followed by a recovery period during which time plants and animals could recolonize the area not directly used by humans. In contrast, the Eagle Mountain Project will impact the tortoise environment for over 100 years over thousands of acres. There is no precedent for mitigation measures on this time scale, nor precedent for impacts of a project of this magnitude. The analysis of proposed mitigation measures set forth in the DEIS/EIR does not have the slightest relevance to a project on the scale of Eagle Mountain. Therefore, there is no evidence supporting the conclusion that mitigation measures will reduce impacts on the Desert Tortoise to below the level of significance.

Response to Comment 28-108

The EIS/EIR discusses a detailed and comprehensive set of measures for mitigating the impacts of the proposed Project, and identifies particular measures that will be required as a condition of approval of the Project. This discussion exceeds BLM's statutory obligations under NEPA, which require a discussion of mitigation measures but do not require that any such measures be adopted. This discussion also satisfies the County's substantive obligation under CEQA to mitigate impacts to a level of insignificance wherever feasible. For more detailed responses to concerns about the mitigation measures proposed for particular impacts, please refer to Section 4 of the EIS/EIR. (Cross-references to appropriate sections of Section 4 are provided in Table 1-6 in Section 1 of the Draft EIS/EIR).

Response to Comment 28-109

(a) The commenter's statement that the desert tortoise mitigation measures are "largely ineffective" is not accurate or correct and is unsupported. The EIS/EIR analysis provides a complete list of all measures that have been required for all projects potentially affecting tortoises. Some of the impacts are short term, others long term, and the extent of impact differs from project to project; but the scope is better maintained at this comprehensive level than limiting it only to landfill, highway, or railway projects. The Draft EIS/EIR analysis presents the comprehensive list of measures required by the USFWS, and demonstrates that those measures have been effective in reducing the allowable take of tortoises to only 5.4 percent of that which was authorized and anticipated. The assessment of impacts (i.e., reduced mortality) clearly demonstrates that existing mitigation measures, including those given for the proposed Project, have, and will predictably reduce the number of tortoises that may be impacted by landfill construction, operation, and maintenance. Presentation of this evidence and documentation complies with the Superior Court's directive to provide substantial evidence that mitigation measures to protect the desert tortoise will be effective.

The comment that "the mitigations effectiveness was based on past short-term construction projects..." is not an accurate statement. By design, an assessment of the measures must be based on past experience in a case study format. In reference to the comment's assertion about short-term

projects, consider, for example, the removal of raven nests from Edison transmission lines in perpetuity. The federal opinions include those long-term projects that regulate mines in perpetuity (Castle Mountain, American Girl, Gold Fields, etc.), contain programmatic plans for hundreds of square miles of military bases (Edwards Air Force Base, Fort Irwin, China Lake, etc.), and include programmatic plans for extensive BLM areas (Rand-Fremont Management Area, Owl Canyon, Small Mine Operating Biological Opinion, etc.). Similar to the proposed Project, these and numerous other projects (e.g., Mojave-Kern Pipeline maintenance, Four Corners Pipeline maintenance, programmatic opinions for Caltrans and Edison) will continue for many decades and be regulated by the mitigation measures required at one given instance in each Biological Opinion.

The Draft EIS/EIR utilized all available federal biological opinions that have been written for tortoises excluding those that addressed cattle/sheep grazing or off highway vehicle events. As such, this analysis includes both permanent and large-scale impacts, similar to those that would result from the Eagle Mountain Project: 5,860-acre Mesquite Gold Mine (cyanide leach extraction) in Imperial Co. (all examples are from California); 793-acre Castle Mountain Mine (Viceroy Mine) in San Bernardino Co.; 560-acre Borax Mine in Kern Co.; realignment of Highway 58 through ±20 miles of critical habitat near Kramer Junction; 1,877 acres affected by a transmission line between Meade, Nevada and Adelanto, California; 545-acre Harper Dry Lake LUZ Solar Electric Generating Systems; 640-acre residential area at Edwards Air Force Base; 600-acre workplace in San Bernardino Co., 1,709-acre facilities at Edwards Air Force Base; 617-mile-long Four Corners Crude Oil Pipeline; and 2,573-acre Mojave-Kern Pipeline. There are also programmatic biological opinions covering 1,004 square miles at Fort Irwin; 65,000 acres in the Rand Mountain-Fremont Valley area; 1,095,680 acres at China Lake Naval Weapons Station; 93,400 acres at Edwards Air Force Base; 31,000 acres at Rainbow Basin Natural Area. The Rail Cycle/Bolo Station landfill's biological opinion addresses similar landfill impacts on that 4,800-acre site; another biological opinion authorized a 6,800-acre hazardous waste repository in Hidden Valley, San Bernardino Co. For each of these projects, the Service has required the exact or similar mitigation measures as those required for Eagle Mountain.

For example, the proposed 6" daily cover is set forth as mitigation of the impacts of raven predation on the desert tortoise. However, the DEIS/EIR acknowledges that "ravens readily dig up food that is covered by 15 centimeters [6 inches] of dirt" and birds make use of available water at landfill sites. (4.7-7) Thus, the proposed cover will not mitigate an increase in raven population from the landfill. The effectiveness of other proposed mitigation is similarly unsupported.

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The above list does not include the 140 projects authorized in Nevada, including the 1,465-acre Silver State Disposal Site (landfill) near Las Vegas, Nevada, which, if included, would further indicate the previous large and permanent impacts that have been authorized by federal biological opinions. The Service drafted its biological opinions for each of these projects because tortoises were known to occur in the area and the project "may affect" them. The analysis in the Draft EIS/EIR shows the common measures required for each of these projects and the proposed Eagle Mountain Project.

Note also that the mortality take limits are not all construction based; many of the mortality limits are based on "the life of the Project," which, for pipeline maintenance for example, is into the foreseeable future. Take limits are commonly given for construction-related and maintenance-related deaths. Therefore, the analysis includes all harassment and mortality limits both during and following construction; i.e., during maintenance and monitoring activities. Therefore, it is incorrect to claim that this analysis considered only small, short-term projects that are not applicable in size and scope to the Eagle Mountain Project.

(b) The USFWS does not consider significance criteria, but does consider "acceptable levels" of tortoise mortality and harassment, which they call "mortality take limits." The USFWS (Ray Bransfield and Kirk Waln USFWS, Ventura, California) indicates that the authorized mortality take limits are the number of tortoises expected to be accidentally killed *in spite of implemented mitigation measures*. As such, 1,096 tortoises could have been accidentally killed during the 171 projects that occurred. The record indicates that only 59 tortoises were accidentally killed, or only 5.4 percent of the authorized and anticipated mortality. Additionally, 1,455 tortoises were moved from harm's way because of the USFWS's mitigation measures. Also see Response to Comment 1-121.

Response to Comment 28-110

With regard to the comment on the effectiveness of raven control measures, the commenter is referred to Responses to Comments 1-6, 26-19, 20-43, and 28-109. Please see also Response to Comment 6-4 regarding the effectiveness of 6 inches of daily cover.

Similarly, mitigation proposed for the loss of Kaiser adit will be ineffective. How will extending the adit prevent the eventual loss of its use? Translocation of Chuckwallas is an experimental measure the effectiveness of which is not known. Reliance on this procedure as mitigation is inappropriate. The offered lands for exchange with BLM should not be relied upon as mitigation because the exchange is not approved and because these lands are offered allegedly in exchange for an interest in other federal lands, not in exchange for adverse impacts on biological resources. 111

4.7.4 Biodiversity and Ecosystem Function

Impacts on biodiversity and ecosystems in the desert region of the Proposed Project are inadequately evaluated in the DEIS/EIR. Reactivation of the Eagle Mountain Rail line, increased road traffic, loss of habitat at the landfill site, and increased human activity at the Townsite represent significant adverse impacts on the fragile desert environment. Reliance on the Environmental Mitigation Fund to reduce these severe impacts in inappropriate. The DEIS/EIR 112

fails to identify the location, size and ecological value of the alleged "extensive habitat acquisition." Nor is there any indication when this habitat will be acquired. Moreover, the DEIS/EIR fails to explain how land acquisition will offset "some of the impacts of habitat fragmentation"?

Response to Comment 28-111

See Responses to Comments 20-31, 26-20, and 28-7, respectively. Also see General Responses 4 and 6. Also see Response to Comments 1-105 and 1-116.

Response to Comment 28-112

Impacts that would lead to threats to biodiversity as described in Section 3.7.4 (from CEQ 1993) are mitigated to less than significant by mitigation actions described for individual potential impacts and by acquisition of habitat, which would help reduce habitat fragmentation and protect ecosystem function, using the Environmental Mitigation Trust. See also Response to Comment 28-103 and General Response 6.

Introduction of exotic species also represents a long-term, severe potential impact on ecosystems. The fact that some exotic species are already present at the Project site does not
113 obviate the requirement that the DEIS/EIR fully disclose the Project's impacts on alien species introduction both within the Project site and along the entire railroad system proposed for waste hauling.

3.10/4.10 Visual and Recreation

Section 4.10.1 Standards of Significance

As with other sections of the DEIS/EIR, the standards of significance set forth in this section are inappropriately high. Again, the proximity of the Proposed Project to a National Park
114 call for significance thresholds which reflect the mandate of the NPS to manage Park resources unimpaired and which reflect the increased protections afforded to wilderness areas. NPS Guidelines and Management Policies provide the correct standards of significance for the protection of aesthetic values, , such as scenic vistas, natural quiet, and clear night skies (Management Policy 4:1) "These values relate to the visitor's perception of a park and its surroundings through the senses, and include solitude." NPS-77, 203.

NPS-77 sets forth specific standards of significance for impacts on aesthetics from the activities and actions that take place outside park boundaries.

Could the action or activity be seen from the park? Would the action or activity be continuously or intermittently seen? Are there any alternative sites that are less visible form the park?

Could the action or activity be heard in the park? Where in the park would the sound be most noticeable or intrusive? From developed overlooks, headquarters ares, or trails? Would the sounds be continuous or intermittent? Are there any way in which the effects of the sound could be mitigated or lessened?

Would the perceptible sight or sound change the nature or quality of the victor's experience? In what ways?

Would there be a perceptible odor in the park?

Does the frequency or duration of the activity or action affect the degree to which it could be perceived?

NPS-77, 206. The analysis of impacts based on these applicable standards of significance would correctly identify the significant impacts of the Proposed Project on resources within JTNP.

Response to Comment 28-113

The Draft EIS/EIR acknowledges that exotic species are likely to occur in disturbed areas of the Project site; however, they already have been introduced by previous activities associated with mine operation. Based on the analysis in Section 4.7 of the Draft EIS/EIR, exotic species would not spread to new locations as a result of reactivation of the rail line or reoccupation of the Townsite. These two areas have been exposed to sources of exotic species in the past and support these species in disturbed areas. These species are not expected to change, nor are new exotic species expected to be introduced as a result of renewed activity at the site. Undisturbed areas would not be expected to be colonized by exotics to any greater degree than they are currently. Specially-designed rail cars will be used that will contain trash that potentially could carry sources of exotic species. This design will prevent distribution of these sources from adding to existing exotics that occur along the rail line. In addition, active use of the tracks will mean that weeds and plants will be removed during rehabilitation and periodic maintenance, which will lessen the potential for propagating these species.

Response to Comment 28-114

Please see General Response 3. The potential impacts to JTNP identified in the comment were analyzed in Section 4.10 of the Draft EIS/EIR. See Response to Comment 26-13.

The standard of significance proposed for windblown debris attributable to the Proposed Project is inappropriate even outside the context of JTNP. Conformance with landfill operating criteria is not a standard to which impacts can be applied. In order to exceed this standard, the DEIS/EIR would have to disclose an intention or likelihood that the landfill will fail to attain basic operating criteria mandated by state law. Again, the impacts analysis must based on proper standards of significance.

115

Sections 3.10.1/4.10.2 Visual Resources

Please explain why the areas of JTNP in the vicinity of the Project are repeatedly described as non-wilderness areas. That designation is a BLM land management designation and the land is no longer managed by BLM. The Park Service has proposed to manage the land as primitive wilderness. The visual resource analysis should be conducted consistent with this designation. Please clarify whether any of the KOPs are in the areas designated as wilderness by the Park Service.

a

What is the relevance of the location of the visitor centers to the impact of the Project on views from the wilderness areas near the Project. A substantial portion of the visual resource analysis is devoted to rationalizing why impacts to views in wilderness areas shouldn't be taken seriously -- because the area is remote, because the user density is lower in wilderness areas, because there are no facilities in the area, because there is infrastructure in the area, because BLM previously designated the land as non-wilderness. All of this is irrelevant to the significance of the impacts on views from the wilderness area and suggests that the fact that area is remote actually reduces the potential for significant impacts, instead of imposing a stricter standard for protection of the resource. Moreover all of this information appears to have been included to mislead the readers regarding the true nature of the existing setting and visual impacts.

116

b

Response to Comment 28-115

As noted in Appendix G of the CEQA Guidelines, "A project will normally have a significant effect on the environment if it will:...(e) Breach published national, state, or local standards relating to solid waste or litter control..." It is noted that the issue of "intent or likelihood" is not addressed in this definition of significance. In this regard, reference to landfill litter control criteria, as codified in 40 CFR Part 258, Subpart C and Title 14, CCR, Article 7.6, are considered to be appropriate significance thresholds against which to measure potential impacts. In addition to these federal regulations, the EIS/EIR contains additional measures to effect the NPS's zero-tolerance policy for windblown trash. These measures are detailed in Section 4.10.3 of the EIS/EIR. Also see General Response 3 and Response to Comment 28-114.

Response to Comment 28-116

(a) Some of the areas within JTNP near the Project site are designated non-wilderness area according to the Department of Interior (DOI) maps prepared in support of the Desert Protection Act and contained in JTNP's General Management Plan EIS. The DOI maps show the current official status of these areas and the JTNP GMP maps show that areas adjacent to major paved roads in the park have a transition area that is designated as nonwilderness. The references to nonwilderness areas of JTNP are not related to contain areas in the Eagle and Coxcomb Mountains previously being managed by the BLM. The fact that the NPS proposes to manage the portions of JTNP near the Project site as Primitive Wilderness Zone is stated on page 3.10-10 of the Draft EIS/EIR. This intent, however, is not in accordance with the DOI maps. KOPs 1, 2, 3, and 4 are representative of views from the wilderness areas of JTNP. These KOPs are all located within the JTNP except for KOP 2, which is located just outside the JTNP boundary. The location of KOPs within JTNP were selected in consultation with JTNP staff as described on page 3.10-9 of the Draft EIS/EIR and in Response to Comments 1-9 and 128-124.

(b) The location of visitor centers is not discussed in Section 3.10.1/4.10.2 of the EIS/EIR. The existing conditions section of the visual analysis (page 3.10-10) discloses that the majority of visitors to JTNP do not use the wilderness areas in the vicinity of the proposed landfill and that the visitor use

Why do all the maps used in the visual resource section show the BLM designation for the land in the area. Aren't any Park Service maps available showing the current proposed
117 designation for the land? What is the relevance of the fact that the BLM maps were attached to the Desert Protection Act documents when it was passed. Is it meant to suggest that the BLM designations somehow control the management of the land and that the Park Service management standards are not the operative standards?

118 Is it possible that use of the wilderness areas will increase over the 100 year life of the Project? How does this affect the determination of significance?

The document states that the areas of the JTNP in the vicinity of the wilderness is degraded because of the presence of infrastructure in the area, including transmission lines and the
119 aqueduct. Are these features readily apparent to users of the wilderness? Do they dominate views in the area as would the Project? Are there any photos available depicting the conditions to

of these areas near the landfill are expected to be low. It also acknowledges that those individuals visiting wilderness areas have a high sensitivity to the quality of the visual environment and evidence of human alteration of the environment. The analysis appropriately considers views from JTNP wilderness areas by giving them the highest sensitivity level rating for determining the visual impacts of the Project.

Response to Comment 28-117

The visual resource analysis employs the BLM methodology for evaluating the visual impacts of the Project because BLM is one of the lead agencies and this methodology is one of several accepted approaches to visual impact assessment adopted by different federal agencies. It is also the same methodology used in the original EIS/EIR for the proposed Project and, therefore, provides methodological consistency between the two studies. Figure 3.10-1 shows the landscape character types and scenic quality ratings for the study area and Figure 3.10-3 shows the visual resource categorization of the Project site. These categories have been developed using the BLM visual resource methodology as part of this impact analysis but do not represent land use classification of the area by BLM.

Response to Comment 28-118

The NPS has stated that, as part of its Backcountry Management Plan, access to JTNP wilderness areas could be controlled in order to preserve the character of the areas and minimize visitor impacts. Based on estimates in the General Management Plan for JTNP, visitor use could, however, increase over the life of the Project. The visual impact analysis considers the number of viewers as one factor comprising the overall visual sensitivity rating for a viewer group. The visual analysis has assigned visitors to the wilderness areas with the highest sensitivity level to the visual environment and any increase in use would not change that designation.

Response to Comment 28-119

The discussion referenced (page 4.10-33 of the EIS/EIR) states that a primary reason that wilderness area visitors are assigned a high visual sensitivity rating is that, in spite of low visitor numbers, those visitors seeking a wilderness experience have a high expectation not to see evidence of

human development, including the existing mine, Townsite, aqueducts, and transmission lines. The point of the discussion is that most viewpoints from which the Project will be visible also have views of the existing mine and its associated features, which already contrast with the visual character of the natural environment to a degree similar to the contrast expected from the proposed Project. Key Observation Point (KOP) 2 is representative of views from south of the Project site within JTNP. The existing Townsite and tailings pile are both visible from this location as shown in the photograph of existing conditions from this KOP (Section 4.10 of the EIS/EIR). The mine tailings pile is also visible from KOPs 1 and 3, which are also within JTNP.

The dominance of a particular feature varies with the viewer location in respect to each feature. Both the existing mine and its associated facilities, and the proposed Project, are generally dominant features when directly viewed from a foreground distance of 2 to 3 miles or closer. Other infrastructure, such as existing transmission line right-of-ways and aqueducts within JTNP, are smaller in size and usually would not be as dominant as the existing mine or proposed Project when viewed from a similar distance and viewing position. This type of infrastructure is, however, noticeable as evidence of human development for some distance when viewed from above (i.e. views from within the Eagle Mountains) because the linear nature of these features contrast sharply with the line and form of the natural landscape characteristic to the Project study area.

substantiate that the areas are degraded in any significant way by the infrastructure?

120 The document concludes that the color of the landfill is the most significant factor in reducing visual impacts. This is certainly not borne out by the photo simulations provided in the document. Current conditions at the site are much more in keeping with the nature and scale of the surrounding area. The landfill appears to be a large, monolithic man-made structure totally out of place in the landscape. It no more blends in with the terrain than a large areas of buildings or other structures would. The overburden and tailings piles are all weathered natural materials that will continue to be revegetated in a natural fashion (as opposed to the landfill cap). Combined with the fact that there is no activity associated with the piles and they appear to be remnants of historic operations, the visual impact of the enormous landfill structure is substantially greater.

If overburden will be used for the cap, why is the color of the landfill substantially more consistent with the surrounding area than the overburden pile?

121 The document indicates that views from the wilderness areas are in the range of 3 to 5 miles or less. Please state specifically how far away the viewpoints in the wilderness areas are. Isn't it more like 1.5 miles or half again as close?

122 Will the landfill cap have piping on the outside for gas or leachate collection? Won't this contribute to the impression that the landfill is a large, manmade structure used for industrial-type purposes as opposed to a structure that replicates natural landforms? Won't the cap be uniformly terraced and vegetated, added to the impression that it is a man-made structure?

Response to Comment 28-120

The Draft EIS/EIR states that color is the most significant factor creating the high contrast between the existing mine site and the surrounding natural landscape. The form and line of the existing mine site also contrast with the natural environment but are not as noticeable from a distance as is the color contrast. The analysis of the proposed Project, however, has assumed that the color of the final cover materials, derived from moderate to dark gray overburden piles, will be similar to the color of the natural landscape. If the cover materials are not color compatible, the mitigation section states that either another material should be used or the cover materials should receive a surface color treatment to be compatible with the surrounding natural landscape (Section 4.10 of the EIS/EIR).

The existing visual condition of the mine site, including weathering, limited vegetation, scale, and inactivity are all considered in the visual analysis (Section 4.10) in terms of how much the existing site contrasts with the surrounding natural environment. The visual analysis agrees with the Comment that the proposed Project, like the existing mine site, will have a strong contrast with the surrounding natural environment because its line, form and texture are different. The EIS/EIR proposes mitigation measures to reduce the Project's visual impact to a level below significance by making the final contours more irregular and more similar to the form and line of the contours of the surrounding area. The final landfill cover will be allowed to revegetate naturally.

Response to Comment 28-121

The distance of each KOP from the proposed Project site is described in Table 3.10-2 of the Affected Environment section of the Draft EIS/EIR.

Response to Comment 28-122

The landfill could have piping on top of the final cover. The proposed piping would be approximately 18-inch-diameter pipe and it can be painted to blend with the color of natural materials in the area. The piping is not expected to be visible to the unaided eye from the most sensitive view locations of the Project site because of the distance to these viewing locations. For instance the closest border of JTNP is about 1.5 miles from the Project site. In

123 If the color of the landfill cap doesn't blend into the background how will it be altered to reduce impacts. The mitigation in this section lacks the specificity to determine whether it would ever effectively blend the landfill into the background. If the photo simulations are intended to demonstrate that mitigation will cause the landfill to blend into the background the mitigation clearly will not be successful.

a 124 b Does the Park Service have any guidance or policies on visual resources or has it provided any input on how to evaluate impacts on visual resources in JTNP. If so, these standards should be used to evaluate the impact as BLM no longer manages the land. Please describe in detail the substance of any consultation with the Park Service regarding visual impacts.

addition, much of the piping will be located behind final drainage berms. The current design of the landfill includes terraced sideslopes. The photographic simulations of the landfill in the Visual analysis section of the Draft EIS/EIR (Section 4.10) include the terraced sideslopes and as indicated by the figures, the terracing is not evident from the key view locations because of their distance from the landfill.

The final cover does not currently include a planned revegetation effort due to the desert and arid nature of the site and the general sparse natural vegetation of the surrounding rock slopes. The final landfill cover will be allowed to revegetate naturally. Natural revegetation of the existing tailings and overburden piles at the mine site has occurred over the last 5 to 10 years and it is anticipated that this sparse natural revegetation would occur on the final landfill cover at a similar rate.

Response to Comment 28-123

The visual mitigation described on page 4.10-34 of the Draft EIS/EIR states that if the overburden materials proposed for use as final cover do not match the color of the surrounding landscape then the landfill surface would receive a color treatment.

The photo-simulations were created to illustrate the Project as proposed by the applicant and do not include additional mitigation measures to address the landfill line and form. The color of the landfill in the photo-simulations is an approximation of the final color and it is intentionally different enough from the surrounding environment so that the proposed Project is discernible within the photograph. The exact color of the landfill cover and its compatibility with the surrounding natural environment will be accurately determined when it is placed on the landfill and if necessary color treated.

Response to Comment 28-124

(a) The NPS does not have a formally adopted methodology for evaluating impacts to visual resources. Based on communication with NPS staff, the NPS also does not use a consistent approach for evaluating impacts to visual resources within the JTNP region or the park service in general. As a result, the BLM methodology has been used because: (1) BLM is the lead federal agency for the EIS, (2) BLM's methodology provides consistency with the

analysis done in the original EIS/EIR, and (3) the applied methodology is one of several visual resource management methodologies adopted by federal agencies that is accepted and credible in the industry. Also see Responses to Comments 26-13 and 28-117.

(b) In February/March 1995, JTNP was consulted on the selection of KOPs for the visual analysis. In February/March 1995, CH2M HILL (the consultant that prepared the EIS/EIR) requested and received verbal direction from the JTNP staff on KOPs within JTNP from which to photograph the existing land area of the proposed landfill. In addition to requests from JTNP, field visits to areas other than JTNP were conducted to determine if the proposed site was visible from a variety of areas. On the basis of JTNP's input and the consultant's reconnaissance, approximately 60 photographs were taken from 20 to 30 vantage points within JTNP and in the vicinity of the proposed Project. The majority of the vantage points were visited over a 2-day period in the company of a JTNP staff position. The majority of the photographs were eliminated as KOP candidates because the proposed site was not visible. During a field visit in August, eight KOPs were selected for analysis in the EIS/EIR and JTNP's input was requested on those points (Correspondence from Tom Peters/CH2M HILL to Superintendent Quintana/JTNP, August 15, 1995). The final KOPs for analysis were discussed with JTNP staff at a meeting on August 22, 1995, at the BLM's Palm Springs office. A followup letter that listed the final KOPs was sent to JTNP on August 11, 1995 to Superintendent Quintana, JTNP. The letter requested a reply only if there were outstanding concerns about the KOPs. No reply was received.

The JTNP staff have provided input to the visual analysis assumptions, methodology and critical view areas within JTNP. The main methodological issue raised by JTNP staff is that visitors to wilderness areas be considered highly sensitive to evidence of human development. This information has been appropriately accounted for in the visual analysis by assigning views from wilderness areas the highest sensitivity rating possible in the methodology. JTNP staff also provided direction on the important view locations within JTNP that could potentially see the Project. These important view locations are represented by KOPs 1 through 4 in the analysis.

What is the justification for concluding that the number of residents in an area (such as Lake Tamarisk or Desert Center or the Townsite) determines how significant a visual impact is? In this type of area, where preservation of visual resources is critical because of the undeveloped, wilderness character of the area, it is inappropriate to dismiss the impact because the area is undeveloped.

125

A reference is made to the lands in the JTNP that were previously designated as non-wilderness are a buffer zone for infrastructure. Assuming this is true, what is the relevance of this information now that the land is part of a national park.

126

Response to Comment 28-125

The BLM visual resource management methodology, as well as all other federally adopted visual resource methodologies (i.e. United States Forest Service, Federal Highway Administration), consider the number of viewers at any one viewing location as one factor in determining the viewer exposure and visual sensitivity level for that view location. The viewer exposure is a combination of viewer numbers, frequency, duration and distance. Viewer sensitivity considers amount of use, the type of user, public interest, adjacent land uses and other factors. A description of the viewer sensitivity criteria and process is presented in Appendix I of the EIS/EIR.

The comment is incorrect that the analysis dismisses potential visual impacts because of the surrounding area. The analysis assigns sensitivity ratings to viewing locations based on the factors described in the EIS/EIR. Views from JTNP wilderness areas have been assigned the highest sensitivity level based on viewer expectations. View locations outside JTNP that are in undeveloped areas without specific recreational resources have been assigned low sensitivity because they have a low number of viewers and varied viewer types. Views from residential areas have been assigned a moderate or high sensitivity level because of moderate to high viewer numbers, moderate to high viewer expectations or type, and moderate to high public interest (see Appendix I of the EIS/EIR).

Response to Comment 28-126

See Response to Comment 1-9 and 1-68.

127 The standard for evaluating whether the Project will have a significant impact on views from wilderness areas in JTNP should protect against any degradation -- consistent with the Park Service's "zero tolerance" standard for litter in the Park.

128 The document suggests that the Project will result in an environmental benefit by preserving visual resources on the "offered lands." Are those lands subject to current restrictions that already prevent degradation of the visual resources?

Section 3.10.2 / 4.10.3 Windblown Debris and Dust

129 The document concludes that the Project will not have any litter impacts in JTNP, apparently because the operator will comply with applicable laws regarding litter control. This is not an adequate rationale for concluding an impact is not significant. Mitigation must insure that there will be no litter in JTNP from the Project, including the Townsite and the landfill. The Park Service has a "zero tolerance" policy for litter. The discussion in the document about additional mitigation (if needed) implies that there very well may be litter from the Project that reaches the Park. If this is true the impact is significant as it is highly unlikely that the operator will be patrolling the remote wilderness areas of the JTNP for litter clean up.

The additional mitigation provided for litter control is not legally adequate in that no detail is provided to establish how the operator will prevent litter from reaching JTNP and the development of any actual program is deferred. This wait and see approach to mitigation has been expressly rejected by the California courts.

How will dust and litter generated by expanded habitation of the Townsite be controlled and enforced? Will there be mitigation measures for reducing these impacts and how will they be enforced. This should have been described in detail in the document.

Sections 3.10.3 / 4.10.4 Nighttime Lighting

130 The fact that existing light sources contribute to a night-lighting effect does not affect the requirement that all impacts associated with the Proposed Project be fully disclosed in the DEIS/EIR. The conclusion that the Project will have no significant impact on nighttime lighting because of the Townsite's existing light sources fails to consider (or even disclose) the additional lighting impacts associated with the Proposed Project. For example, from what distance would the light from the Proposed Project be perceived? Potential impacts on backcountry visitors in the Pinto Basin, Eagle Mountains, and Coxcomb Mountains must be evaluated under the criteria set forth in NPS-77 and all other applicable NPS guidance documents.

The impact of nighttime lighting and glare on the surrounding wilderness areas is dismissed simply because there is already nighttime light in the area. The fact that a sensitive resource is already degraded is not grounds for concluding contributions to the existing problem

Response to Comment 28-127

See General Response 3. See Appendix T.

Response to Comment 28-128

The Project includes an exchange of disturbed, low visual quality lands from BLM to Kaiser, and undisturbed, higher visual quality lands from Kaiser to BLM. The BLM has committed to managing these offered lands in accordance with the California Desert Conservation Area Plan. Also, see General Response 4 and Response to Comments 1-36, 3-1(b), and 28-10.

Response to Comment 28-129

The finding of nonsignificance related to potential windblown debris is not based exclusively on compliance with applicable litter control laws. As discussed in EIS/EIR Section 2.0, Project Description, and Section 4.10.3, Windblown Debris, Visibility, and Dust, litter would be controlled as part of the Project design in four ways: (1) waste compaction and soil covering, (2) portable litter control fencing, (3) litter patrols, and (4) minimized active working face. In addition, as noted on EIS/EIR page 4.10-39, although the Project design measures for controlling windblown debris exceed regulatory requirements, a number of additional mitigation measures have been proposed to address the NPS policy of "zero tolerance." The commenter is referred to this section of the EIS/EIR for a detailed listing of these mitigation measures. Additionally, the NPS Agreement with MRC/Kaiser addresses contractual obligations of both parties for controlling windblown debris (see Appendix T). Townsite habitation will involve minor upgrades to existing housing and no substantive dust generation is anticipated (see Appendix E). Litter generated by Townsite residents will be disposed of in compliance with appropriate requirements for municipal waste. See General Responses 3 and 6.

Response to Comment 28-130

The Project contribution to existing nighttime lighting is discussed in Section 4.10.4.1 of the Draft EIS/EIR. The Final EIS/EIR includes additional nighttime light analysis in Appendix W. See also General Response 3

is not significant. Throughout this document (for example, in the air quality section and other areas of this visual resource analysis) substantial contributions to existing problems are dismissed. This clearly violates both NEPA and CEQA.

During the winter months, both landfill operations and waste receiving will occur at night. The light from these combined operations (including illumination of the working face and vehicle movement) will be quite substantial and widespread. This is a significant impact. Mitigation prohibiting activities after dark should have been included.

regarding standards of significance and the Agreement between the NPS and Kaiser/MRC (Appendix T) regarding night sky protection.

Sections 3.10.4 / 4.10.5 Recreational Resources

a 131 The DEIS/EIR properly describes the lands surrounding the Proposed Project area as newly designated park lands managed by the NPS and designated wilderness by the California Desert Protection Act. JTNP has designated these areas "Primitive Zone Wilderness Areas." Accordingly, all reference to outdated and inapplicable BLM land designations for these areas must be omitted from the document including the misleading statement that the portions of the Eagle and Coxcomb Mountains were designated non-wilderness areas. These statements are irrelevant and misrepresent the affected environment. Similarly, Figure 3.10-4 includes factually incorrect designation of "non-wilderness areas" which must be corrected.

b The remote character of the newly designated park lands and its associated low visitation rate is of high value for visitor's seeking to experience the pristine desert wilderness areas unique to JTNP. Areas designated backcountry are proximate to the Proposed Project site. One of just three visitor activities, JTNP specifically delineates the "backcountry" for those visitors seeking to enjoy JTNP's designated wilderness areas, comprised of 593,000 acres of primitive, undeveloped portions of the park. The DEIS/EIR misconstrues the characteristics of these areas to indicate low resource value. To the contrary, subtle affects on backcountry areas impose significant adverse impacts to the recreationalist. Based on these corrections, the affected environment for recreation must be reevaluated.

c The fact that there are transmission lines and an aqueduct in the JTNP wilderness area does not so degrade the wilderness as to make further degradation insignificant. As discussed above, there is no evidence in the document that the infrastructure has any significant impact on the wilderness experience. In any event, the fact that a sensitive resource may already be degraded cannot be used to dismiss the importance of further degradation.

d This section concludes that the Proposed Project will have no impact on recreational uses within JTNP. Given that the DEIS/EIR lacks any analysis under applicable National Park standards of significance for wilderness or backcountry resources, this conclusion is highly inaccurate. The analysis of impacts to recreational values simply combines the superficial conclusion reached in other areas (air, noise, visual) to reach the conclusion that recreational opportunities are not degraded. Anything that degrades the wilderness quality of the area degraded the wilderness recreation experience. At a minimum the cumulative effect of the various impacts has a significant impact on the recreational experience. This conclusion should not be

diminished by characterizing an impact as purely subjective, based on personal feelings and impossible to quantify.

In fact, the conclusion is largely based on factual misstatements such as "the majority of park attractions are located at a distance greater than 40 miles from the Project site" and "the area is already extensively developed with utility infrastructure and subject to frequent overflights." Furthermore, these wildly misleading statements are irrelevant to whether or not the Proposed Project poses significant impacts on recreational resources of JTNP.

Just 1.5 miles from the edge of the Project site, some of JTNP's most pristine wilderness areas are preserved for the unique backcountry wilderness visitor experience. The Proposed Project will impose profound impacts on this experience by introducing artificial sources of light, dust and debris, glare, and visual impacts. The DEIS/EIR fails to properly disclose and analyze these impacts.

Response to Comment 28-131

(a) See Response to Comment 1-9,1-68, and 28-116(a).

(b) The Draft EIS/EIR accurately describes the recreational facilities and opportunities in the vicinity of the Project site, including those opportunities in JTNP (the NPS's General Management Plan for JTNP (1995) is the source of specific JTNP-related data.). The comment references the JTNP Backcountry Management Plan. According to JTNP staff, this document is an in-progress internal park document that has not been released for public review or consideration. The Draft EIS/EIR cannot Comment on or quote elements of an in-progress, unpublished document that is deemed by a preparing federal agency not to be available to the public for review.

(c) The discussion of existing conditions in the vicinity of the Project is included to provide a description of existing land use conditions. It is agreed that further degradation of an already degraded resource is of concern.

(d) The EIS/EIR conclusion of no significant impacts to recreational resources is not inaccurate on the basis of discussions with JTNP, there are no applicable NPS standards of significance for wilderness or backcountry resources. In addition to facilities, such as campsites, the recreational experience is appropriately evaluated in the EIS/EIR according to other components, such as visual impact and noise. These are not "superficial" conclusions as stated in the comment; they are based on rigorous analysis of the varying components of the recreational as well as the wilderness experience. It also is noted that the wilderness experience, which includes the intangible elements (e.g., peace, solitude) frequently considered part of the recreational experience, is considered to be a significant impact that cannot be mitigated.

3.11/4.11 Wilderness

a 132 In 1994, the San Diego Superior Court's ruled, among other things, that the 1992 EIS/EIR failed to adequately address the Proposed Project's impacts on Joshua Tree National Monument. The Court expressly stated that the EIS/EIR "completely ignore[s] the harm this project will cause by destroying the natural peace and solitude, the clean air, the pristine desert -- the "wilderness experience" referred to by petitioners " Order, 15. Accordingly, any subsequent EIS/EIR for the Proposed landfill must thoroughly and honestly evaluate the impacts on JTNP. Entirely misconstruing the Court Order, this DEIS/EIR sets out to evaluate impacts on "wilderness" which amounts to nothing more than "a consolidated summary" of resource categories and federal land management policies. This disjointed and misguided analysis fails to address the mandate of the Superior Court.

The DEIS/EIR should include an independent, separate section that accurately describes the existing environmental setting in JTNP, describing land uses, natural and cultural resources, as well as all applicable NPS plans, policies, and guidelines, and a true discussion of the impacts caused by the Proposed Project. The absence of such a discussion in this DEIS/EIR and the fragmented analysis of JTNP presented violates both the Court Order and the mandate of CEQA and NEPA.

b The DEIS/EIR falsely asserts that BLM policies and guidelines do not apply to the Proposed Project. In fact, a significant portion of the Project site is currently owned and managed by BLM. The affected environment must be discussed as it currently exists; it is incorrect to assume, for purposes of analysis, that the BLM land exchange has already occurred.

c The definition of and impacts on the "wilderness experience" is quantifiable, despite an element of subjectivity. The NPS has been managing wilderness areas for over 20 years, and, has established standards and guidelines to "wilderness" and other visitor experiences. Contrary to statements in Section 3.11.2, the NPS was not adequately involved in the preparation and review

of this section.

d Any reference to land management, boundaries, and resources *prior to* passage of the California Desert Protection Act is misleading and inappropriate. Figure 3.11-6, 3.11-7 and 3.11-8 and *all others* depicting the National Monument or transferred BLM land must be entirely omitted from the DEIS/EIR. Each description of the affected environment and impacts must be based on updated JTNP land classifications. (Figure 3.11-9) The CDPA transferred 234,000 acres to NPS and redesignated these lands wilderness areas. Because this entire section is evaluated based on out-dated and irrelevant Monument and BLM information, the Wilderness section must be entirely rewritten.

The discussion in 3.11.5.2 should be omitted as misleading and irrelevant. This description of past activities and non-wilderness areas contributes nothing to this section and improperly cites to outdated BLM land management designations and policies. Moreover, this section inaccurately depicts the Project vicinity as an active metropolitan area -- a conclusion entirely unsupported by any data. A genuine discussion of the small communities, utilities, and aircraft facilities which exist in the area should reflect the relatively minor disturbance to this rural area that they actually present.

e The discussion of the CDPA (Section 3.11.6.5) should be clarified by adding the explanation that the language regarding "buffer zones" around wilderness areas applies solely to lands managed by BLM and does not apply to areas surrounding JTNP or wilderness areas therein.

Response to Comment 28-132

(a) Because the majority of land in JTNP is designated wilderness, JTNP is discussed in a separate wilderness section. In addition to this discussion, JTNP resources are discussed in other sections of the EIS/EIR under applicable topic areas, such as a detailed depiction of JTNP recreational facilities in the recreation section (Section 4.10).

(b) In addition to a discussion in Section 3.11 of federal lands in the vicinity of the Project that are managed by the BLM as wilderness lands, Section 2, Project Description, and Section 3.5, Land Use, also discuss BLM's management of federal lands.

(c) As noted in Section 4.11, Wilderness, of the EIS/EIR, the wilderness experience focuses on an individual's personal experience in a setting of solitude. Although the analysis of wilderness experience could be assigned a monetary value, the criteria for assigning a dollar value to a personal experience would be subjective and potentially nonrepresentative of a person's individual experience. To address the subjectivity of the personal experience, the EIS/EIR concludes that there is a significant nonmitigable impact to the wilderness experience. See Response to Comment 26-13.

(d) The discussion of land uses adjacent to wilderness areas is accurate and appropriate. The EIS/EIR does not describe the vicinity of the Project as "an active metropolitan area." See Response to Comment 1-9 and 1-68.

(e) The CDPA and buffer zones are discussed in Section 3.11.6.5 and in section 3.11.7.1 of the Draft EIS/EIR.

3.11.7 Wilderness Management

NEPA and CEQA require a full analysis of impacts of a proposed project on the affected environment. The generic assertion that no buffer zone has been created around wilderness areas
133 is not only legally incorrect and misleading, it its irrelevant to the mandate of NEPA and CEQA. Moreover, while DEIS/EIR purports to describe existing conditions and potential impacts for wilderness areas based on NPS's *Natural Resource Management Guideline, 1991* (NPS-77), the document cites only a few selected sections. Other sections of NPS-77 authorize park managers to aggressively protect park resources from impacts of adjacent land owners. For example, "While the goal of park management will be to reach cooperative agreement with nonfederal land holders, where this agreement cannot be reached the NPS can take appropriate protective actions addressing activities which adversely affect native animal populations. Such activities include hunting, fishing, and trapping within the boundaries of a park and on private or state lands, *or impacts of nonfederal activities on migratory populations outside park boundaries.*" (emphasis added.) This and other relevant policies must be included in the DEIS/EIR.

4.11 Impacts on Wilderness

As stated above, the NPS has decades of experience in managing and evaluating the "wilderness experience." Consultation with NPS regarding this DEIS/EIR set forth the resources

available evaluating impacts on this resource (e.g. Visitor Experience and Resource Protection, NPS Special Report, 1993). The DEIS/EIR must incorporate and evaluate all relevant NPS policies and guidelines regarding the "wilderness experience." A realistic and accurate evaluation of impacts on both wilderness resources and the wilderness experience is not provided in the DEIS/EIR. As a result, the DEIS/EIR does not meet the requirements of NEPA and CEQA.

Response to Comment 28-133

The sections of the EIS/EIR that address general Policies for Activities on Adjacent Private Land (Section 3.11 7.1) are not irrelevant for purposes of CEQA and NEPA. The statement in the EIS/EIR that the provisions of the California Desert Protection Act are not intended to create buffer zones around wilderness areas is correct and is not misleading. The intent of including the two paragraphs in the introduction to this section is to provide a general context for the differing operating mandates of the BLM and the NPS and how these differences are reflected in the agencies' different policies for managing wilderness lands. In reference to the provisions of NPS-77 cited in the EIS/EIR, these cites are relevant to an understanding of how the NPS directs its park managers to protect natural and cultural resources, and JTNP provided the preparers of the EIS/EIR with those references. Concerning the use of the VERP process to evaluate visitor experiences, see General Response 3. Also see Response to Comment 1-62.

4.11.1 Standards of Significance

134 Application of the significance criteria cited in the resource categories throughout Section 4 is inappropriate. As set forth in detail in the other sections above, the significance criteria are universally set too high. For example, light impacts are not considered significant unless "substantial" light is introduced to an area "where no light is currently visible." This threshold suggests that *any amount* of light could be *added* to an area with existing low night lighting without triggering the standard. This and other specific thresholds must be reduced to a standard reflecting an actual level of significance. To that end, the standards set forth in section 4.11.3.1, in addition to other relevant NPS and BLM standards, should be incorporated into Section 4.11.1.

Moreover, the appropriate significance criteria for evaluation of impacts on wilderness resource or the wilderness experience are different that those applied to specific resource areas. For example, an impact on a species which does not result in a significant impact on that particular species may, nevertheless, have a very significant impact on wilderness resource or wilderness experience in the event that the absence of that species in a wilderness area results in a conspicuous change to the visitor experience in that location or a change to a particular wilderness area. Similarly, even slight increases in levels of noise or artificial light may significantly impact the wilderness experience though not trigger standards of significance for that particular resource.

Contrary to the DEIS/EIR statements, the BLM and NPS management guidance and policies do apply to all existing federal lands and wilderness areas. Statements in the DEIS/EIR should make this clear. All references to Figure 1-2 must be corrected to reflect the inaccurate labelling of "non-wilderness" areas.

4.11.3 Proposed Action

135 The analysis of impacts to recreational values simply combines the superficial conclusion reached in other areas (air, noise, visual) to reach the conclusion that wilderness values are not degraded. The summary of specific resource impacts set forth in this section suffer the same deficiencies as explained in prior sections. As a result of the excessively high standards of significance and the underestimate of the value of remote wilderness areas, the impacts analysis is fatally flawed. Similarly, the proposed mitigation measures are inadequate.

Response to Comment 28-134

See General Response 3. Also see Appendix T, in which the NPS states that the EIS/EIR is a "complete analysis of the known effects of the Project upon the environment."

Response to Comment 28-135

The recreational analysis considers in detail the impacts to recreational resources in the vicinity of the Project site, including JTNP. It should be noted that the EIS/EIR does find that the wilderness experience, which is a major component of the recreational experience, is a significant impact that cannot be mitigated. Also see Response to Comment 28-131 and General Response 3.

3.13/4.13 Noise

136 The DEIS/EIR concedes that noise levels at the closest boundary of Joshua Tree National Park would increase by 10 dBA – an increase plainly discernable to the human ear – but erroneously concludes that such impacts are not significant because they occur outside a designated wilderness area. As noted repeatedly elsewhere in these comments, the wilderness map upon which this assessment relies (Figure 3.5-3) is incorrect. The areas identified on this map as non-wilderness have, in fact, been designated by Congress as wilderness and are slated for backcountry protection by the Park Service. Therefore, the DEIS/EIR must consider these lands as wilderness for purposes of impact analysis and must apply the 3 dBA level of significance for noise impacts that is applied to other designated wilderness areas. Under this appropriate standard of significance, the Project will, in fact, have a significant adverse impact on the recreational and backcountry experiences in JTNP.

CONCLUSION

137 As clearly set forth above, the DEIS/EIR as currently drafted, fails to meet even the most basic requirements of NEPA and CEQA and other federal and state laws. The document must be revised to respond to the above comments and should be recirculated for further public review.

Sincerely yours,

CONSERVATION LAW PROJECT

Elisabeth R. Gunther
Deborah A. Sivas
Nicole J. Walthall

Response to Comment 28-136

As noted in Response to Comments 1-9 and 1-68, the NPS has agreed that the DOI maps of JTNP are the most updated, accurate maps available for identifying wilderness designations within JTNP.

Response to Comment 28-137

The lead agencies have considered the comments submitted on the Draft EIS/EIR and, where appropriate, have made appropriate changes in the EIS/EIR in response to those comments. However, the lead agencies have found no new information or new circumstances that could significantly alter the conclusions presented in the Draft EIS/EIR. As a result, it is not necessary or appropriate to recirculate the Draft EIS/EIR or to issue a supplement to the Draft EIS/EIR.

THE DESERT PROTECTIVE COUNCIL INC.

A NON-PROFIT ORGANIZATION

COMMENT LETTER 29

To safeguard for wise and reverent use by this and succeeding generations those desert areas of unique scenic, scientific, historical, spiritual and recreational value and to educate by all appropriate means children and adults to a better understanding of the desert.

P.O. BOX 2312 • VALLEY CENTER • CALIFORNIA 92082

DESERT PROTECTIVE COUNCIL
ADVISORY PANEL

SYLVIA BROADBENT
Professor of Archaeology

DOROTHY COWPER
Archaeologist

PETE DANGERMOND
Park Consultant

MARY DEDECKER
Botanist

BETTY FORGEY
Desert Tortoise Activist

MICHAEL FROME
Author

AUGUST FRUGE
Conservationist

WILBUR MAYHEW
Professor of Zoology

ART MONTANA
Professor of Earth Sciences

KAREN SAUSMAN
BioPark Director

RICHARD SPOTTS
Wildlife Advocate

ROBERT STEBBINS
Herpetologist

FRANK VASEK
Professor of Botany

LEONARD VINCENT
Professor of Biology

STANLEY WELSH
Museum Curator

FRANK WHEAT
Attorney

HOWARD WILSHIRE
Geologist

FAX 909-697-5299

DATE: September 16, 1996

COMMENTS ON THE

Eagle Mountain Landfill and Recycling Center Project
SCH No. 95052023
Bureau of Land Management
6221 Box springs Blvd.
Riverside, CA 92507

Gentlemen:

The opportunity to comment is deeply appreciated. Please attach these to other Desert Protective comments which will be sent by separate mailings.

The Desert Protective Council (DPC) is a national, membership organization founded in 1954 by desert residents, scientists and authors who were concerned about the increasing assaults upon the deserts' natural and cultural resources. Through the following decades, the Council has participated in the preparation, passage and implementation of bills effecting the deserts of the southwest such as the Wilderness and Endangered Species Acts, The Federal Land Policy and Management Act and the California Desert Protection Act.

THE DPC OPPOSES THE PROJECT

1 The DPC opposes the location of the project, and opposes the recycling of urban wastes in the California desert.

Location:

First, the California desert is a very special area as Congress and the citizens of the United States have declared in both FLPMA and the California Desert Protection Act. Neither Act mandates the use of the California desert as dumping grounds for metropolitan/urban wastes. However, both acts include directives and mandates for appropriate uses and management.

2 Second, the location of the project abutting Joshua Tree National Park is an affront to the National Park Service, the citizens of the United states and the myriad of foreign visitors and researchers. Joshua Tree is more than a National Park, it is a designated National Natural Landmark and a Unit of the Biosphere Reserve System.

Response to Comment 29-1

Comment acknowledged.

Response to Comment 29-2

Comment acknowledged.

3 Third, the location of the project compromises and jeopardizes the provisions of the Wilderness, Endangered Species, Clean Air Acts among other acts, regulations and standards.

4 Recycling in the California desert environs
First, recycling is a national program with focus on the responsibility of each entity to participate. Shipping recyclable material away from the generating-agency/ies and the generating-individuals removes such responsibilites. In fact, in some cases, shipping materials away prior to recycling may be warded as stated in section 7.0, page 7-1 the project "could result in air quality benefits in the south Coast Air Basin (SCAB) for ozone, carbon monoxide and particulate matter, at the expense of increased impacts in desert areas."

5 Second, shipping recyclable materials to other areas imposes risks to the accepting locations including risks from human wastes such as kleenex, kotex, pampers, panty liners, dental floss as well a other contaminants that could impact water, air, wildlife, agriculture et al.
Third, recycling materials at the location identified in the documents requires disposal/transport of materials gleaned from the waste stream

6 Fourth, the use of scarce groundwater for recycling purposes is an irresponsible decision effecting persons and programs off-site.

Response to Comment 29-3

Rather than compromising or jeopardizing provisions of the referenced federal statutes, the standards of significance utilized throughout the resource categories analyzed in Section 4.0 take into consideration the relevant portions of these and other local, state, and federal regulations.

Response to Comment 29-4

Recycling is an important national priority. Implementation of the proposed Project will not eliminate the responsibility of local jurisdictions to continue enforcing the recycling mandates of AB 939. In addition, the vast majority (approximately 99 percent) of wastes will not be shipped to the proposed Project site until they have gone through a waste sorting operation at material recovery facilities (MRFs), which will further increase the volume of municipal wastes ultimately recycled. See Response to Comment 28-3.

With regard to regional air quality impacts, the comment is correct in stating that some air quality benefits could accrue to the SCAB with implementation of the proposed Project. However, it is doubtful that individual municipal waste generators will abandon recycling efforts in order to reap potentially minor regional air quality improvements.

Response to Comment 29-5

As noted in Response to Comment 29-4 above, recyclable wastes largely will be eliminated from the waste stream by the waste sorting process, which will take place at MRFs, as well as at the landfill prior to disposal. As discussed in Section 4.2 of the Draft EIS/EIR, the minor amounts of potentially hazardous waste in the waste stream, which escape the sorting process, will be effectively isolated by the much larger mass of nonhazardous waste. See Response to Comment 28-3.

Response to Comment 29-6

The comment is correct in asserting that recycled materials would require transport to another location, which is true of any material recycling center. As noted on page 4.2-5 of the Draft EIS/EIR, this also would be true of any nonconforming wastes detected during the waste sorting process. With regard to the use of groundwater in recycling, no such use is proposed.

DPC DEPLORES LACK OF DOCUMENTS FOR PUBLIC REVIEW
The paucity of copies of the DEIS/EIR, and the even scarcer Technical Appendices has placed a great burden on the public.

Joshua Tree National Park is a nation treasure. The impacts of a landfill/recycling center adjacent to the Park are of concern to the nation's citizens. They should have been provided with
7 adequate copies of the DEIS/EIR and Technical Appendices. One has to ask questions about the dirth of materials: Was it due to decisions on cost? Of limiting distribution to a few "intellectuals' who might be capable of reading and understanding the documnets? Was it an assumption that concerned citizens had the time and financial means to travel great distances to libraries where they could analyze documents?

DPC FINDS THE DEIS/EIR BIASED

Arguements throughout the documents support the project by selective quotes from laws, regulations, standards and guidelines.

Omitted from the documents are quotes unfavorable to the project such as the descriptions of the California desert and its future role, as found in FLPMA and the California Desert Protection Acts.

Though the conditions and mitigations appear to conform to the
8 minimum legal requirements, the County of Riverside and the Bureau of land management (BLM) appear to bypass the spirit of the laws.

There appear to be attempts to place responsibility for negative impacts elsewhere. For example: Wilderness "experience" cannot be quantified. Therefore, it cannot fit into an equation for modeling. Hence, it "wilderness 'experience'" is confined to ten letters and 2 quote marks. The fault for this situation is blamed upon NEPA and CEQA for not quantifying the term. This mindset is found throughout
9 the document, especially in Sections 3.11 and 4.11.

Another example of misplacing blame is in the discussion on emissions from cars visiting Joshua Tree National Park and environs. The figures in table A-17-2 (Attachment a) boggle the mind. The table indicates that 840,000 cars would be added annually to Park traffic. Assuming that there are 840,000 cars in 1996, in 1997 there would be 1,680,000 and in 1998 the total would be 2,520,000 cars in Joshua Tree and environs.

Response to Comment 29-7

See Response to Comment 17-33.

Response to Comment 29-8

In its role as lead federal agency under NEPA, the BLM is responsible for ensuring that the proposed land exchange and issuance of rights-of-way are in the public interest. The BLM has fulfilled this responsibility by ensuring that the environmental analyses and documentation prepared for the proposed Project are technically unbiased, thorough, and have complied fully with both the "spirit" and the "letter" of all appropriate local, state, and federal statutes.

As to the question of how the EIS/EIR evaluated "wilderness experience," the commenter is referred to Section 4.11, which, rather than dismissing potential impacts to wilderness experience, provides a thorough discussion of the approach used to evaluate Project effects on this resource area. Also see Response to Comments 1-126 and 1-127.

Response to Comment 29-9

Refer to General Response 3. The cumulative impacts analysis takes into account the proposed construction improvements at JTNP, as cited in the General Management Plan for JTNP (NPS, 1995). The visitor use data were supplied by JTNP.

9 If such assumptions are elsewhere in the documents, the whole EIS/EIR and its Technical Appendices should be meticulously examined and corrected in the FEIS/EIE. At any rate, Joshua Tree and its visiting cars should not be identified as the major source of visibility problems.

Another example, schematic maps are used to diffuse objections, particularly on a visual basis, such as occurs in Figure 3.11-6 on page 3.11-11. The project looks far away from Joshua Tree's boundary.

SUMMARY
For these and numerous other reasons, DPC opposes the location of the project and opposes any recycling of Southern California wastes in the California desert.

The DPC finds that:
- the EIS/EIR and Technical Appendices are biased in support of the project,
- the documents justify the project in spite of short and long term negative impacts,
- the documents are internally conflicting, and,
- there are no redeeming benefits associated with recycling wastes in the California Desert Conservation Area.

Please keep me on the mailing list for Eagle Mt landfill. Please send all material to the address below.

Respectfully submitted,

Harriet Allen

Harriet Allen
3750 El Canto drive
Spring Valley, CA 91977

Response to Comment 29-9

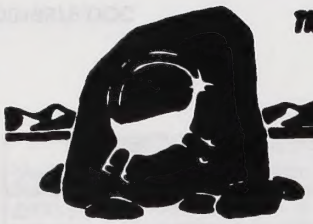
JTNP is not identified as "the major source of visibility problems" in the EIS/EIR. The commenter is referred to the previous response pertaining to JTNP contributions to cumulative impacts.

As to the question regarding the use of schematic maps to portray accurately visual impacts of the proposed Project, the figure in question (Figure 3.11-6) actually portrays wilderness and nonwilderness land classifications within Joshua Tree National Monument (pending completion and public availability of the backcountry management plan, the zoning shown in Figure 3.11-6 is the current zoning for JTNP). For graphics that depict visual impacts, the commenter is referred to Draft EIS/EIR Section 4.10.

The comment is incorrect in asserting that the discussion in the Draft EIS/EIR on emissions from cars visiting JTNP is an effort to "place the blame" for air emissions on JTNP. Evaluation of potential future JTNP-related air emissions, due primarily to vehicles from expected growth in JTNP visitation, was conducted as part of the effort to evaluate the potential cumulative impacts of the proposed Project. Information about visitor use was provided by JTNP. The contribution of air emissions from JTNP activities and visitor vehicles is a real phenomenon, which must be taken into consideration if the cumulative impacts analysis is to be accurate. The commenter is referred to Responses to Comments 1-148 through 1-150.

Emission Impact of Joshua Tree National Park		
Location of Emissions	Inside Park	Outside Park
Visitors Added per Year	2,100,000	
Average Visitors per Vehicle	2.5	
Vehicles Added per Year	840,000	
Paved Road Distance (miles)	50	100
Unpaved Road Distance (miles)	2	0
Total Distance (miles)	52	100
NOx Running Emission Factor (g/mi)*	0.26	
CO Running Emission Factor (g/mi)*	2.23	
Vehicle PM_{10} Emission Factor (g/mi)*	0.105	
Paved Road PM_{10} Emission Factor (lb/mi)**	0.013	
Unpaved Road PM_{10} Emission Factor (lb/mi)**	2.45	
ROG Running Emission Factor (g/mi)*	0.12	
SO_2 Emission Factor (g/mi)*	0.05	
NOx Running Emissions (tons/year)	12.52	24.07
CO Running Emissions (tons/year)	107.37	206.49
Vehicle PM_{10} Emissions (tons/year)	5.06	9.72
Paved Road PM_{10} Emissions (tons/year)	273.00	546.00
Unpaved Road PM_{10} Emissions (tons/year)	2,058.00	0.00
Total PM_{10} Emissions (tons/year)	2,336.06	555.72
ROG Running Emissions (tons/year)	5.78	11.11
SO_2 Emissions (tons/year)	2.41	4.63
NOx Start Emission Factor (g/trip)*	1.20	
CO Start Emission Factor (g/trip)*	47.75	
ROG Start Plus Hot Soak (g/trip)*	1.57	
ROG Diurnal (g/vehicle-day)*	0.54	
Start NOx (tons/year)	1.11	1.11
Start CO (tons/year)	44.21	44.21
ROG Start Plus Hot Soak (tons/year)	1.45	1.45
ROG Diurnal (tons/year)	0.50	(0.50)
Total NOx (tons/year)	14	25
Total CO (tons/year)	152	251
Total PM_{10} (tons/year)	2,336	556
Total ROG (tons/year)	8	12
Total SO_2 (tons/year)	2	5
Notes: *Vehicle emission factors from EMFAC7EP for 2010 **Road dust emission factors from AP-42		

COMMENT LETTER 30



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DESERT PROTECTIVE COUNCIL
ADVISORY PANEL

SYLVIA BROADBENT
Professor of Archaeology
DOROTHY COWPER
Archaeologist
PETE DANGERMOND
Park Consultant
MARY DEDECKER
Botanist
BETTY FORGEY
Desert Tortoise Activist
MICHAEL FROME
Author
AUGUST FRUGE
Conservationist
WILBUR MAYHEW
Professor of Zoology
ART MONTANA
Professor of Earth Sciences
KAREN SAUSMAN
Biosphere Director
GENNY SMITH
Editor & Publisher
RICHARD SPOTTS
Wildlife Advocate
ROBERT STEBBINS
Herpetologist
FRANK VASEK
Professor of Botany
LEONARD VINCENT
Professor of Biology
STANLEY WELSH
Museum Curator
FRANK WHEAT
Attorney
HOWARD WILSHIRE
Geologist

DATE: September 15, 1996

By fax: 909-697-5299

Eagle Mountain Landfill and Recycling Project
Bureau of Land Management
6221 Box Springs Boulevard
Riverside, CA 92507

Re: 7/96 Draft EIS/EIR for the Eagle Mountain Landfill and Recycling Project (EML) in Riverside County California; EIR No. 397; SCH No. 95052023; BLM CACA-30070; BLM CACA-25594; BLM CACA-31926; and 7/96 Technical Appendices for EML EIS/EIR

1. This portion of the Desert Protective Council (DPC) comments on the EML EIS/EIR are being sent via fax as per my telephone conversation with Joan Oxendine of BLM last week. During our conversation I informed Ms Oxendine that there would be several separate submissions of DPC comments from reviewers in Massachusetts (now) and California and that all DPC comments should be considered together as the DPC comments.

2. I have reviewed the EIS/EIR and Technical Appendices C-Groundwater; F-Hydrology; G-Biological Resources; H-Seismic; and M-Mitigation. The remaining Technical Appendices may be reviewed by other DPC commenters. Early in 1996 I had both verbally and in writing (to David Mares of the Riverside County Planning Dept.) requested copies of the EML EIS/EIR and ALL Technical Appendices. When no Technical Appendices were provided with the 7/96 EML DEIS/EIR, I again made similar requests to BLM's Molly Brady because no copies of the EIS/EIR were available at BLM ECRA or in Imperial County where I live. However, said Technical Appendices were not received until August 7, 1996 (more than one month after release of the Draft EIS/EIR).

RECEIVED
SEP 26 1996

3. The EML DEIS/EIR is woefully inadequate as an informational document for project decision-making by Riverside County and BLM. There are internal inconsistencies within the EIS/EIR itself within the various Technical Appendices, and between the EIS/EIR and the Technical Appendices. Hundreds of important inconsistencies were found during our review. Given time constraints, not all are included in these comments. Why didn't BLM and/or Riverside County staff catch the inconsistencies before the EIS/EIR was released for public review?

Response to Comment 30-1

Comment acknowledged. The Desert Protective Council also submitted Comment Letter 29.

Response to Comment 30-2

The lead agencies believe that adequate review time was provided to the public. All technical appendices were made available in 20 places throughout Riverside, San Bernardino, and Imperial Counties and the San Francisco Bay area at the time the Draft EIS/EIR was published. The review period for the Draft EIS/EIR was 67 days, which exceeds the review period required for both NEPA and CEQA. NEPA requires a minimum of 45 days for public Comment on a draft EIS (40 CFR 1506.10). CEQA requires a minimum of 45 days for public Comment on a draft EIR unless the State Clearinghouse approves a shorter period (CEQA, Section 15087). The Notice of Completion for the EIR was filed on July 2, 1996. The Notice of Availability for the EIS was published in the Federal Register on July 12, 1996. To facilitate public review, the July 12, 1996, date was used as the starting date for determining the review period. The closing date for public comments was originally September 10, 1996, which would have provided 57 days for public comment. This date was extended to September 17, 1996. Also see Response to Comments 17-21, 17-33, 18-33, and 24-10.

Response to Comment 30-3

For the purpose of making decisions on the proposed Project, the 3-volume EIS/EIR, comprising a 900-page main document, and 13 technical appendices in 2 volumes, presents a thorough and detailed analysis of the potential environmental consequences of the landfill. Without specific references to the "hundreds" of inconsistencies noted in the comment, no responses can be provided. As to the question of any inconsistencies that may exist in the Draft EIS/EIR, it should be noted that one of the purposes of the public review period of Draft NEPA/CEQA documents is to address and correct any such inconsistencies, should they exist, in the Final EIS/EIR.

4. Several Technical Appendices suggest that they are to be considered as supplements to information provided in the Technical Appendices for the original EIS/EIR. However, despite my requests for all Technical Appendices to the EIS/EIR, only Technical Appendices with a Cover date of 7/96 were provided for our review. Accordingly, DPC cannot comment on the contents of earlier Appendices.

5. ROWD (Geosyntec, 1992) Hundreds of times the reader of the EIS/EIR and its Technical Appendices is referred to various sections of the Report of Waste Discharge ROWD (Geosyntec, 1992) for technical information on the landfill design, postclosure, and various impacts of the landfill project. The missing, but often referenced ROWD 1992 technical information must be included in the EIS/EIR in summary and in the Technical Appendices in more detail for public review. When I expressed concern about information referenced in the ROWD, Ms. Oxendine informed me that there was a copy in the BLM office in Riverside, CA. However, that does not help a reviewer more than 3,000 miles away.

6. 1992 ROWD AND 5/24/95 CONCLUSION RE WDR How is the adequacy of the EIS/EIR Section 2 repeatedly referenced ROWD (Geosyntec 1992) affected by the San Diego Superior Court decision and the passage of time? How is the adequacy of the ROWD (Geosyntec 1992) affected by the SWRCB 5/24/95 letter indication the need for a "new or supplementary Report of Waste Discharge containing updated environmental documentation that complies with CEQA" before the RWQCB can adopt, amend or reissue effective WDR for the EMI project? Is it appropriate for a 7/96 EIS/EIR to repeatedly refer to a 1992 ROWD for technical details and descriptions of landfill design and mitigation measures when the project has been modified?

7. BLM LAND EXCHANGE The EIS/EIR does not contain all the necessary environmental analysis in either the EIS/EIR or the Technical Appendices for the public to ascertain the purported benefits of the Kaiser offered parcels for the BLM Land Exchange. Furthermore, without reviewing Technical Appendix A it is not possible to determine which BLM CACA code on the EIS/EIR cover sheet is associated with the offered exchange parcels, railroad right of way or Eagle Mountain Road Extension depicted in EIS/EIR Figs. 2-2 to Fig. 2-6. Indeed "BLM has no authority to determine the suitability of Federal lands for disposal by exchange in a vacuum, i.e., independent of review of non-Federal lands to be acquired." (Sierra Club, Utah Chapter, 120 IBLA 347, 351.) I checked all referenced portions of the EIS/EIR for discussion of the land exchange and searching for environmental analysis of offered exchange parcels or references to portions of the technical appendices for discussion of features of the offered exchange parcels. Finding no such discussion, it was concluded that the required environmental analysis of the offered exchange parcels was never ~~been~~ made available in the 7/96 DEIS/EIR or 7/96 Biological Technical Appendix G for public review as required by NEPA and BLM's H-2200-1 Draft Exchange Handbook, Release No. 03/13/94. The appropriate environmental analysis of offered exchange parcels and all ROW impacts should be included in a Revised Draft EIS/EIR

Response to Comment 30-4

The pertinent, applicable elements from the previous EIS/EIR are contained or referenced in this EIS/EIR. The previous EIS/EIR is part of the administrative record for this EIS/EIR and, as such, is part of the public record. In addition, the technical appendices in the Draft EIS/EIR summarize relevant information from the ROWD, which consists of thousands of pages of more detailed technical information. The ROWD was made available at local libraries for interested reviewers (see Response to Comment 36-2).

Response to Comment 30-5

The relevant information referenced was included in summary form in the Draft EIS/EIR. The ROWD also was made available at local libraries for review. See Response to Comment 36-2.

Response to Comment 30-6

Section 1 of the Draft EIS/EIR discusses the details of the court action. The court's decision indicated that information was insufficient to draw certain conclusions. The ROWD technical information was summarized in the Draft EIS/EIR and was updated, where necessary (e.g., additional groundwater studies). The ROWD contains substantial technical information about the Project site that is still relevant.

Response to Comment 30-7

The Draft EIS/EIR and supporting appendices, including Appendix A, contain numerous text and graphical clarifications of exchange lands, railroad right-of-way, and Eagle Mountain Road extension. With regard to the quality of offered lands, the commenter is referred to General Response 4.

8. **PROJECT EXPANDED TO ACCEPT WASTE-BY-RAIL FROM 4 TO 7 COUNTIES BUT NO ANALYSIS OF RAIL ROUTES INCLUDED** Applicants proposed to increase the counties from which waste by railhaul could be accepted from Riverside, Los Angeles, Orange and San Bernardino to add San Diego, Ventura and Santa Barbara Counties (DEIS/EIR 1-5 1-15, 1-21, 2-19 etc.). However, Fig. 3.3-1 for rail line analysis does not depict any rail routes extending into the Counties of San Diego, Santa Barbara or Ventura, nor does the accompanying text in either DEIS/EIR Sections 3.3 or 4.3. Fig 4.3-2 depicts a rail line to San Diego but analysis segment goes only to Orange County, not to San Diego. Accordingly, either the source Counties of waste must be reduced to the original four counties or a Revised Draft EIS/EIR must be prepared to be consistent with the expanded geographic area from which waste by rail is planned. (The Imperial County Court in the Mesquite Regional Landfill case found that Imperial County could not issue a CUP authorizing importation of waste by rail along any rail lines other than those specifically analyzed in the Final EIS/EIR.)

9. **FINAL COVER INCONSISTENCIES** EIS/EIR at 1-5 states that "the applicants (MRC and Kaiser) have proposed certain changes in the landfill portion of the Project. .... includ[ing]: 1 substantial modification of the landfill liner design ... and final cap". Indeed, four different descriptions of the final cover were found at EIS/EIR 2-39; 4.1-13; Appendix C 2-9; and Appendix H 2 8 Which is the intended Final Cover design? Will it be granular soil (Appendix C 2-9) or 18" cobbles and boulders (EIS/EIR 2-39) for the erosion layer? Will the erosion layer be one foot thick (EIS/EIR 4.1-13) or 2 feet thick? Will the final cover have 4 layers (EIS/EIR 4.1-13), 5 layers (Appendix C 2-9, H 2-8, or 6 layers EIS/EIR 2-39)? Will there be one geotextile cushion layer or two (EIS/EIR 2-39) above the 40 mil geomembrane? W. t about liner differences from the original? Accordingly, given the confusion in the EIS/EIR and Technical Appendices, one must question the wisdom of repeatedly referencing the 1992 ROWD rather than presenting necessary technical information correctly in the EIS/EIR itself or providing the correct information to the preparers of all technical appendices.

Response to Comment 30-8

As discussed in EIS/EIR Section 4.3.2, waste shipments from Ventura, Santa Barbara, and San Diego Counties are anticipated to be less than one train per day on average, and all trains from these jurisdictions would utilize the primary rail analysis segment (Segment 1, Colton to Ferrum Junction). Both the air quality analysis (Section 4.4 and Appendix E) and the Energy analysis (Section 4.16) assumed the maximum train transport of six unit train round-trips per day, which includes Ventura, Santa Barbara, and San Diego contributions, for the purposes of estimating Project-related impacts. Furthermore, additional information provided by the California Public Utilities Commission, included as Appendix Z of the Final EIS/EIR, demonstrates that this additional single unit train would not significantly affect rail crossings. Consequently, the EIS/EIR has accurately portrayed the total potential Project-related rail impacts, obviating the need to revise and recirculate the document.

Response to Comment 30-9

The comment confuses descriptions of the liner with the landfill cover. The comment references statements in the Draft EIS/EIR on page 1-5 about changes to the landfill liner design. This text, which is actually on page 1-15, is part of a discussion of changes to the Project in the interim since decertification of the previous EIR and the Project as proposed in the Draft EIS/EIR published in July 1996. These changes are listed on page 1-15, Section 1.2.3. The comment's reference to inconsistencies is incorrect as follows:

- Page 2-39, "2 feet" refers to part of the final cover of the landfill (not to the liner)
- Page 4.1-13 correctly states 2 feet in relation to part of the final cover of the landfill, (not the liner)
- Page 8 of Appendix H-2 describes part of the final cover of the landfill correctly as 24 inches (2 feet), which is consistent with the above-cited references

10. **DURATION OF POSTCLOSURE MAINTENANCE** The DEIS/EIR is internally inconsistent in its discussion of duration of postclosure maintenance. DEIS/EIR 4.5-27 states that postclosure maintenance will be conducted for 100 years. By contrast, DEIS/EIR at 2-57 cites a minimum of 30 years postclosure maintenance and refers the reviewer to ROWD (Geosyntec 1992). Postclosure details are needed. Furthermore, given the concerns about closure and postclosure and the inconsistencies within the DEIS/EIR it seems imperative that the plans for these aspects of any proposed landfill should be included in the EIS/EIR itself rather than in the inaccessible ROWD (1992) (EIS/EIR at 2-56).

- Appendix C-2, page 9, also discusses part of the final landfill cover as 24 inches thick (2 feet)

See Section 2.1.5.1 for the description of the landfill liner and Section 2.1.5.4 for a discussion of the cover. Please note that in Section 2.1.5.4, "interim cover" refers to daily cover of the active face of the landfill. "Final cover" refers to the material placed over the waste during landfill closure as different phases of the landfill are completed. Also refer to Response to Comment 19-2 for a discussion of the liner.

Response to Comment 30-10

On page 2-57, the Draft EIS/EIR states that postclosure maintenance will be conducted for "a minimum of 30 years." This Section further states that "Federal regulations require the postclosure maintenance period to be as long as wastes pose a potential threat to groundwater." The use of 30 years is clearly specified on page 2-57 as a minimum. The ROWD is available in eight public locations in Riverside County. See Response to Comment 36-2.

11. **EL SOBRANTE LANDFILL** What is the status of the El Sobrante landfill expansion (DEIS/EIR 2-65,66)? How would this expansion affect Riverside County's anticipated need for EML for its own MSW?

12. **MESQUITE REGIONAL LANDFILL** DIES/EIR 2-70 and Table 5.8 and associated text fail to note the status of the Mesquite Regional Landfill and the legal challenge to Imperial County's 9/95 approvals and the IBLA appeals of BLM's 3/96 Record of Decision and Right-of-Way and Land Exchange approvals. Why isn't this information included before page 5-38? Appendix G at D-7 discussion of the USFWS BO should also note that most of the mitigation measures for the desert tortoise at EML are also included in the Mesquite Regional Landfill BO 1-6-96-F30, which also covered all core and non-core conditions in the EML BO.

13. DEIS/EIR fails to explain why Riverside County should have any responsibility to provide long-term capacity for disposal of Southern California's municipal solid waste, particularly when air quality impacts in Riverside County will not improve with the additional transport distances.

14. **GROUNDWATER** Use of the word "applaud" in Technical Appendix C seems most inappropriate from "technical experts"

15. Appendix C 4-i, ii, C 4-42, and 4-51 do not mention that the RWQCB WDR Order 94-036 is no longer effective as per the SWRCB letter of 5/24/95 to Jane B Krosche, Skadden, Arps, Slate, Meagher & Flom and Richard Marsh of Indio. Said letter states that:

> the CRBRWQCB will be advised of the conclusion that Order No. 94-[illegible] prescribing requirements for discharges of solid waste at the Eagle Mountain Class III landfill, is no longer effective and that the project proponent discharger Mine Reclamation Corporation, would have to provide the CRBRWQCB with a new or supplementary Report of Waste Discharge containing updated environmental documentation that complies with CEQA before the CRBRWQCB can adopt, amend, or reissue effective waste discharge requirements for the Eagle Mountain Class III landfill. (SWRCB 5/24/95 letter re CRBRWQCB Order No. 94-036.)

16. Information in Appendix C 4-37 and 40 raise concerns that if cement placed in a corehole migrated into fractures that any contamination from the landfill site reaching fractures might also migrate with recharge from the landfill project area and eventually reach the groundwater basin from which pumpage is occurring. This should be discussed in the EIS/EIR.

Response to Comment 30-11

With regard to landfill capacity needs, please refer to General Response 1.

Response to Comment 30-12

Comment acknowledged. The Mesquite landfill is discussed in Section 5 as a potential cumulative impact. For this reason, most of the discussion of the proposed Mesquite landfill is in that section rather than earlier in the EIS/EIR. Section 2 (page 2-70) noted by the commenter is a discussion of other alternatives considered but eliminated from consideration, not a cumulative impacts discussion.

Response to Comment 30-13

In addition to providing Riverside County itself with long-term waste disposal capacity, the proposed Project offers an opportunity for significant economic benefits to the County in terms of job creation and revenue generation. Further, implementation of the Project will generate a substantial amount of money in the form of the Environmental Mitigation Trust, which will aid in the long-term preservation and protection of critical habitat within the County. In addition, additional waste disposal capacity is needed for all of Southern California. See also General Responses 1 and 8.

Response to Comment 30-14

Comment noted.

Response to Comment 30-15

Please refer to Section 1.4.3 of the Draft EIS/EIR and Response to Comment 18-29 for discussions of the validity of existing permits and approvals.

Response to Comments 30-16

Under the unlikely scenario that contamination enters the groundwater from the landfill (see Section 4.1.2.1 Impacts, page 4.1-9), the contamination would migrate through fractures because the affected groundwater environment would be the bedrock aquifer, in which groundwater flow is

17. Appendix C 5-22 states that:

> In the absence of monitoring of the actual site of concern, the best ... predicting recharge in arid climates have been obtained from lysime... Lysimeters must model the actual site, they must be big and deep, and ... must be monitored over an extended period of time, especially when so mu... the flow occurs over a short period of the year. The initial state of ... lysimeter soil with respect to moisture content and distribution of moi..., is critical to model ing real-world situations.

This was not done at the Eagle Mountain site. Because the EML s... is located in an area surrounded by mountains, the reliance ... lysimeter data from Saudi Arabia with different physical sett... raises further concerns about missing site specific data from ... should have been long term records kept by Kaiser.

dictated by fracture width and orientation (Section 3.1.1.1, page 3.1-4 and Section 3.1.2.1, page 3.1-11).

The migration of wet cement through fractures beneath the water table discussed in Appendix C-4 pages 37 and 40 confirms the highly fractured nature of the bedrock, which is discussed in, among other places in the administrative record, the Draft EIS/EIR (e.g., Section 3.1.1.1, page 3.1-4), elsewhere in Appendix C-4 (e.g., page C1-6), and in the Record of Waste Decision (e.g., Section 5 of GeoSyntec, 1992). It is this interconnectiveness of the fractures in the bedrock that is the basis of the assumption that the bedrock is representative of a porous medium and, therefore, that groundwater in the bedrock aquifer can be satisfactorily monitored.

Response to Comment 30-17

As stated in Appendix C-1 of the Draft EIS/EIR, page C1-35: "Groundwater recharge cannot be measured directly and therefore must be estimated." On the same page, the Draft EIS/EIR list the factors that affect recharge and that make "accurate estimates of recharge difficult to make and even more difficult to confirm." In response, Appendix C-5 (page 22) states that the best substitute for the ability to measure recharge directly is the use of lysimeters.

The information pertaining to Saudi Arabia cited by the Comment comes from Table 7 in Appendix C-5. This table lists only one location that is representative of a desert climate (i.e., average annual precipitation of less than 10 inches per year), which is in Saudi Arabia. An inspection of the table reveals that, although the annual precipitation is lowest in Saudi Arabia, the amount of recharge as a percent of precipitation (last column in the table) is the highest at 25 percent.

In Section 4.1.2.1 (page 4.1-6) of the Draft EIS/EIR, this information is used to demonstrate that even at 25 percent of the average annual precipitation (or 1 inch per year), which is very high relative to other estimates specific to the Eagle Mountain area (e.g., 5 percent [Mann, 1986]), the amount of water available for leachate production, "would not significantly change the moisture content of the [uncovered landfilled] waste or promote moisture flow within the waste..." Accordingly, because the context of this discussion is moisture availability for leachate production, the higher the value of percentage of rainfall that used in the analysis the more conservative the conclusion (i.e.,

the more moisture available, the greater the potential volume of leachate that could be produced). In the absence of data, therefore, a very conservative (high) estimate of available moisture is used in the Draft EIS/EIR to conclude that the potential for leachate generation is low.

18. Discrepancies between past groundwater consumption/pumping estimates and the newer increased availability estimates raise concerns about the credibility of estimates and assumptions about transmissivity, impacts of pumpage, and distribution of poorer quality groundwater. What is the cause of poorer quality groundwater at the wells from which Kaiser is pumping for the mine and townsite? What justification is there for the public to rely on a report indicating increased groundwater storage (Mann 1986) prepared for Kaiser rather than on government reports? Based on experiences in the Ocotillo-Coyote Wells Groundwater Basin in Imperial County, 20 years of groundwater level and water quality monitoring by USGS has proven that earlier estimates about transmissivity and recharge in that basin are vastly different from the underlying assumptions published in a 1977 groundwater modelling study. (I am a groundwater user in the O-CW basin and have been reviewing USGS data for the past 20 years from our monitoring well in addition to basin-wide data.) From experience, I have learned that additional USGS groundwater quantity and quality data revealed less potential for safe yield groundwater extractions than earlier optimistic estimates. Accordingly, there are real concerns about reliance on any increasingly optimistic groundwater availability study prepared by a project applicant and not subjected to public review by independent geohydrologists. In light of water level declines with accompanying large cone of depression in a portion of the Ocotillo-Coyote Wells Groundwater Basin which vastly exceeded the model projections of no significant decline, the reliance on Appendix Table C1-5 seems risky without additional data and independent analysis.

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Response to Comment 30-18

(a) The estimate of groundwater usage in the previous EIS/EIR was based on estimates from 1986 when groundwater withdrawals were at high levels relative to current conditions. The use of more recent data in the current Draft EIS/EIR does not raise concerns about the credibility of the estimate. In addition, the estimate of water usage is not a function of assumed values of transmissivity. It is unclear what the commenter means by the distribution of poor quality groundwater.

(b) The water quality in the Kaiser wells is consistent with the generally poor quality of groundwater across the Chuckwalla Basin and elsewhere in the region. This is addressed in Section 3..1.3.2 (page 3.1-27) of the Draft EIS/EIR which states: "Recent data from alluvial wells in the eastern Chuckwalla Valley indicate that high TDS and high fluoride and sulfate concentrations are a regional or basinwide phenomenon (Woodward-Clyde, 1989)." The "cause" of the poor quality groundwater is, therefore, natural geochemical interaction between the groundwater and the minerals in the subsurface (both in the bedrock and in the sediments, which are derived from the erosion and weathering of the bedrock).

(c) It is assumed that the Comment pertains to the estimates of groundwater storage in the Chuckwalla Basin discussed in Section 3.1.1.1 (page 3.1-7). The rationale for using the value developed by Mann (1986) is stated on page 3.1-8: "Because the work of Mann (1986) is more recent and focuses specifically on the western Chuckwalla Basin, his conclusions are considered the most representative of prevailing conditions in the vicinity of the Project site."

(d) The planning process for the proposed Project, in which the Draft EIS/EIR is a major component, allows and encourages public and independent review and Comment of the analyses and conclusions presented in the Draft EIS/EIR. The applicants are obligated to respond to all comments received within the allotted review period, including those that are in the form of independent scientific or engineering analysis. In the absence of data on parameters that cannot be directly measured, the estimates in Appendix C-5 are considered to be conservative (see Response to

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19. DEIS/EIR Fig. 3.1-4 (and Appendix C Fig. C1-7) fails to depict water contour lines for areas east and southeast of the proposed project, or to locate Kaisers pumping wells, as does Fig. 3.1-6. Cones of depression radiating from Kaiser's wells are important. How have water levels and water quality at Kaiser's pumping wells changed from when they were initially drilled to present? Has water quality and water level changed since mining operations stopped and since population at the townsite has declined? EIS/EIR at 4.1-24, 25 gives no clues. How did pumpage for prison inmates change measurements at Kaiser's wells? Why did the two Kaiser wells cease pumping and when? DEIS/EIR 3.1-23 refers to information in the previous EIR (1992) and this information is not available for my review. Said information should be updated to include 1996 data and be included in the Final EIS/EIR or Revised Draft EIS/EIR. Information was not found in the Technical Appendices.

Comment 30-17, above). Relying on the values presented in that appendix is, therefore, not considered risky.

Response to Comment 30-19

(a) Figure 3.1-4 presents water-level contours to the extent that the data are available to support them, and this figure does include water-level contours east and southeast of the proposed Project. Water-level contours are shown in greater detail relative to the proposed Project in Figure 3.1-6. There are insufficient data to depict water-level contours in Figure C1-7 all the way between the Project site and the Colorado River. The figure serves to depict the general direction of groundwater flow as described in Section 3.1.1.2 (page 3.1-10) of the Draft EIS/EIR and inferred from work by the US Geological Survey (Wilson and Owen-Joyce, 1994).

(b) Kaiser's wells are depicted on Figure 3.1-4 but, like all wells on the figure, are not specifically labeled. Kaiser's wells are both shown and labeled on Figure 3.1-6, along with water-level data from each well.

(c) Comment noted. Insufficient monitoring points are available to identify the actual cones of depression that are specific to the Kaiser wells. The Draft EIS/EIR, however, acknowledges the importance of potential cones of depression, which is why they were simulated to determine the maximum water-level decline in nearby wells (See Section 4.1.3.1 [page 4.1-27] and Appendix C-1 [page C1-38]).

(d) A review of data from two of Kaiser's wells in the Chuckwalla Basin (CW-2 and CW-3) indicates that water levels dropped approximately 29 feet in the 29 years between 1964 when they were constructed and 1993 the last year for which measurements are available. Data from these wells are considered representative of all of the Kaiser wells because they are in the same proximity as the other wells and they have the longest period of record. Most of the water-level decline in these wells occurred prior to 1986. The data for CW-3, for example, indicate that all but 3 feet of the water-level decline in this well occurred prior to February 1986. Data from the Kaiser wells in the Chuckwalla Basin indicate that the water-quality characteristics of the wells have not changed over the period of record.

(e) It is assumed by the context of this comment, that the commenter is referring to changes in Kaiser's wells. To the extent that the available data coincide with the termination of full-time mining and a reduction in Townsite population, it does not appear that there has been a change in either the character of the water quality or water levels in Kaiser's Chuckwalla wells.

(f) It is assumed that the comment is referring to pumping at Chuckawalla and Ironwood State Prisons, which began in 1992. The six wells that supply these prisons are too far away (more than 40 miles) to affect water levels in Kaiser wells. As the data in Table C1-1 (Appendix C-1) indicate, there is essentially no change (less than 0.5 feet) in water levels in the area of Kaiser's wells (represented by CW-2 and CW-3) between June 1992 and December 1993.

(g) As stated in Section 3.1.4.2 (page 3.1-27): "Since 1990, Kaiser has pumped a total of 583 ac-ft/yr on average from two wells (CW-3A and CW-4)." Kaiser does not require more than two wells to meet either the current or future demand for water at the Townsite. During full-scale mining operations, Kaiser typically operated three wells over the course of any given year, and in one year (1977) they operated as many as four wells. From its beginning, Well No. 1 produced sand and consistently had a poor yield. After three attempts at redevelopment, the well was taken out of service in 1977 when Well No. 4 was constructed. Well No. 2 was observed to have a significant casing failure in 1985. The pump was subsequently removed, although it most likely could be a viable well if repaired. Similarly, the casing in Well No. 3 failed after more than 20 years of service and it began to produce significant amounts of sand; it was replaced in 1993 with Well 3A. None of the sand problems or casing failures in the Kaiser wells was a result of local pumping or a decline in water levels.

(h) The information from the previous EIS/EIR referenced on page 3.1-22 of the current Draft EIS/EIR are hydraulic conductivity data obtained at Kaiser's pumping wells. Specifically, this reference pertains to Table 7 (page 123) in the previous EIS/EIR (BLM and the County of Riverside, 1992), which lists the following values of hydraulic conductivity (labeled "estimated permeability" in Table 7) associated with each well: CW-1, 6.2×10^{-3} cm/s; CW-2, 1.5×10^{-2} cm/s; CW-3, 1.3×10^{-2} cm/s; CW-4, 1.2×10^{-2} cm/s. The aforementioned hydraulic conductivity data (see Response to Comment 19h)

are associated with particular wells, and are assumed to be constant (i.e., the physical properties of the aquifer typically do not change over time). Therefore, to update these values to include 1996 data, as the Comment suggests, is unnecessary.

20. How does proposed Kaiser pumping compare with past Kaiser pumping? Kaiser surely has the data, and it should be included the EIS/EIR.

21. DEIS/EIR Fig 3.1-6 and Technical Appendix Fig C1-3 have incomplete legends.

22. Appendix C Table C1-1 includes static groundwater levels
a for only three years from 5/92 to 8/95. This is inadequate
light of past historic pumpage and future anticipated pumpage
b Kaiser wells. It appears that most wells in Table C1-1 have shown water level declines of up to 12 feet during this three year period even though pumping levels are lower than they were in the 1980s when there was greater agricultural usage in addition to Kaiser pumpage for the mine and Townsite. Appendix C 4-22 also notes a groundwater decline at the project site since 1992. Additional data is especially important because data from the original EIS/EIR is not available. All groundwater data should be included in the EIS/EIR itself because the Technical Appendices were not widely distributed. Water level declines in Table C1-1 raise questions about the appropriateness of accepting Mann's 1986 Kaiser data when the more recent data for wells CW-1 and CW-3 is not available because "static water level could not be obtained for the entire three year monitoring period covered by Table C1-1. From 5/92 to 12/94 the water level in the school well declined 9.6 feet or more than the EIS/EIR reported 8 foot decline in a 17 year period! DH 424 exhibited a consistent decline of almost 7 feet during the 5/92 to 12/94 monitoring period, and PA-12 declined 11 feet from 6/92 to 12/94. The data in Appendix Table C1-1 suggests that estimates of impacts of project groundwater use based on Mann's 1986 Kaiser study are overly optimistic and inadequate as a basis for a conclusion that the impacts will not be significant. Based on information in Appendix Table C1-1, maximum decline in groundwater levels at the nearest wells may be far in excess of EIS/EIR projections!

Response to Comment 30-20

The proposed Project's water use is 1,299 ac/ft (see Section 6 of the Final EIS/EIR). As stated in Section 3.1.4.1 (page 3.1-28) of the Draft EIS/EIR, "[Kaiser] Production from [Kaiser's four wells in the Chuckwalla aquifer] typically ranged between 5,000 and 7,000 ac-ft/yr during the 1960s and 1970s. Since full time mining activities have stopped, however, pumping from Kaiser wells has fallen to below 1,000 ac-ft/year."

Response to Comment 30-21

Comment acknowledged.

Response to Comment 30-22

(a) The data in Table C1-1 represent the complete record from most of the points at the Project site in which water-level data are available. included in the table are water-level measurements in some of Kaiser's pumping wells over the same period of record. The data in Table C1-1 support the conclusions drawn in the Draft EIS/EIR concerning both the groundwater conditions described in Section 3.1 and the potential impacts in Section 4.1.

(b) With a few exceptions, groundwater levels in the piezometers and monitoring wells at the Project site have steadily fallen over the 1.5-year period of record between May 1992 and December 1993. The trend of water-level decline is also evident from the most recent round of measurements at selected points in 1995. The wells with the greatest water-level decline are in the unconfined bedrock aquifer, which underlies the Project site. The principal cause of this water-level decline is related to relatively low permeability of the bedrock aquifer in the deeper portions of the wells/piezometers, and the subsequent water-level response in these wells/piezometers to precipitation events. The decline is not related to pumping, because the water levels in Kaiser's Chuckwalla wells are essentially unchanged over the period in question (see data for CW-2 and CW-3 in Table C1-1).

The bedrock wells/piezometers are typically between 400 and 700 feet deep and have screen (intake) intervals of 50 feet or more. As discussed in

Appendix C-1 (page C1-6) the width of the bedrock fractures decreases with depth (see Draft EIS/EIR Section 3.1.2.1 [page 3.1-11]), and, as the fracture widths decrease, the hydraulic conductivity, in turn, decreases (see Draft EIS/EIR Section 3.1.2.1 [page 3.1-12]). The bedrock wells and piezometers are sufficiently deep, and their screen (intake) interval sufficiently long that the hydraulic conductivity measurably decreases with depth over the screen intervals. As discussed in Appendix C-1 (page C1-6) of the Draft EIS/EIR, the orientation of the principal fracture sets is almost vertical. This orientation, coupled with the greater fracture widths nearer the ground surface, facilitates relatively rapid water-level response (rise) in the bedrock wells/piezometers to precipitation events. A simultaneous examination of both the water-level data in Table C1-1 and the daily record of precipitation at Eagle Mountain during the period in question, reveals that the water levels in virtually all bedrock monitoring wells and piezometers at the project site increased in direct response to the two principal precipitation periods during the period of record (December 1992 through February 1993, and August 1993). During the remainder of the monitoring period the water levels steadily declined because essentially no precipitation fell (<0.5 inches in any month), and the generally lower hydraulic conductivity in the lower portions of the screen interval enabled water to accumulate in the wells/piezometers following precipitation and subsequently drain slowly (resulting in a gradual equilibration in water level) during dry periods.

(c) See Response to Comment 30-22(b).

(d) The data used in the previous EIS/EIR are available and were considered in developing the conclusions in the Draft EIS/EIR.

(e) The water-level data presented in Appendix C-1 support the conclusions presented in the main text of the Draft EIS/EIR. Their inclusion directly in the EIS/EIR would not add to the understanding of the analysis of the potential Project-induced impacts to groundwater resources.

(f) See Response to Comment 30-22(b). Water-level data from Kaiser's wells CW-3A and CW-4 are included in Table C1-1, and are representative of groundwater conditions in the Chuckwalla aquifer and the effects of Kaiser pumping on local groundwater levels. The data from these wells indicate a maximum water-level decline of less than 1 foot over the 19-month period in

question and support the conclusions of Mann (1986), even though his analysis pertains to a period of historical high groundwater pumping in the western Chuckwalla Basin. Most of the other data presented in Table C1-1 represent groundwater conditions in the bedrock aquifer at the Project site, and are not related to pumping in the Chuckwalla aquifer. The data in Table C1-1, therefore, do not reduce the credibility of the work of Mann (1986), but rather confirm his conclusions.

(g) As stated in Section 3.1.2.2 (page 3.1-32), the School Well is completed in the bedrock aquifer. Water-level change in this well, therefore, is not necessarily related to pumping the Chuckwalla aquifer (see Response to Comment 30-22[b]), but is influenced by local changes to recharge and pumping in other bedrock wells. During the period in question (between May 1992 and December 1994), aquifer tests were conducted in the bedrock aquifer in which bedrock wells and piezometers were pumped and water-level response was measured in observation wells and piezometers. In August 1992, the School Well was pumped to investigate the hydrogeological conditions associated with the Bald Eagle Canyon Fault Zone (see Appendix C-4 [page 33]). In addition, the School Well was also periodically operated during the period to obtain water samples for water-quality analysis and inspect and maintain the well and its ancillary facilities in good working condition. This periodic pumping also affected (lowered) the water level in the well.

In addition, the water-level decline in the School Well is influenced by a reduction in local sources of water to the aquifer. Specifically, Kaiser maintained 5 million gallons of water for many years in two unlined reservoirs for fire control until April 1991. One reservoir held 1 million gallons and was located at the western end of the East Pit of the mine. The other reservoir held 4 million gallons and was located only 1,500 feet north of the School Well. In May 1991, after the larger reservoir was taken out of service, the water level in the School Well dropped more than 20 feet because the leakage from the reservoir and associated distribution pipe (which locally recharged the bedrock aquifer in the vicinity of the School Well) had stopped. The overall decline in the water level in the School Well is a continuation of the water level attaining a new equilibrium in the absence of the previously artificial source of water and its periodic operation for various aquifer or water-quality testing. The water-level decline cannot be attributed to pumping

23. Based on previous discussion of observed differences in water level declines in the Ocotillo-Coyote Wells basin (70 ft in 3 years) versus the anticipated no noticeable decline based on a computer model, EIS/EIR discussion of maximum groundwater decline appears based on overly optimistic assumptions relying on too little actual data from the basin itself. Because the project was proposed years ago, a long term monitoring program should have been initiated years ago. Hopefully additional data is available. Additional data and analysis should be included in the EIS/EIR.

the Chuckwalla aquifer because groundwater levels in Kaiser's wells in the Chuckwalla aquifer (i.e., those that would be indicative of local groundwater pumping) declined only slightly (e.g., the water levels in CW-2 and CW-3 declined by 0.2 feet and 0.8 feet, respectively over the period in question).

(h) As discussed in the Responses to Comments 30-22(b) and 30-22(g), the water-level changes indicated in the data presented in Table C1-1 (Appendix C-1) are generally not related to pumping in the Chuckwalla aquifer. The exception are data from Kaiser's Chuckwalla wells (CW-2 and CW-3) that are representative of water-level conditions in the Chuckwalla aquifer in the vicinity of pumping from this aquifer. These data indicate a maximum water-level decline of less than 1 foot over the 19-month period in question. The data and discussion in Mann (1986) pertain to conditions in the chuckwalla aquifer, and how these conditions are affected by pumping from the Chuckwalla aquifer. The Draft EIS/EIR referenced Mann (1986) in the discussion of the potential effects on the Chuckwalla aquifer that would potentially result from Kaiser pumping their Chuckwalla wells, and is, therefore, an entirely appropriate source of information for the impact analysis.

(i) See Response to Comments 30-22(b), 30-22(g), and 30-22(h). Except for the data from the Kaiser wells discussed in the aforementioned responses, the data in Table C1-1 are not representative of potential conditions that could occur in the Chuckwalla aquifer as a result of Project pumping in that aquifer.

Response to Comment 30-23

(a) The conclusions in the Draft EIS/EIR are based on actual data to the maximum extent possible. The assumptions for both the estimates of water availability and water use are conservative and are not considered optimistic in the context of the comment.

(b) Sufficient data are available and have been either referenced or presented in the Draft EIS/EIR to conclude that Project pumping in the Chuckwalla aquifer will not significantly deplete groundwater resources.

(c) The conclusions in the Draft EIS/EIR are based on hydrogeologic data collected both prior to and in response to the planning process for the

24. Without accurate estimates of how much land was under agricultural production using groundwater, and because water level declines in monitored wells in Appendix Table C1-1 were ignored, there is inadequate information on which to base the conclusion in the new EIS/EIR that the Chuckwalla Basin is not currently in overdraft as was described in the first EIS/EIR.

proposed Project. Additional data would be helpful to clarify and confirm the results of the analyses presented in this EIS/EIR, but would not alter the conclusions.

Response to Comment 30-24

The estimate of water use in the Chuckwalla Basin presented in the Draft EIS/EIR was based on values reported in Mann (1986), James C. Hanson Consulting Engineers (1992), and Samons (1994) (see Table 3.1-3). These studies based their estimates on specific research, including field inspection, into the acreage of land and the number of operations specifically engaged in agricultural or aqua (fish) farming in the Chuckwalla Valley. These studies are considered to be adequate sources of information with respect to this type of water use. The information in Table C1-1 does not reflect conditions in the Chuckwalla Basin (see Response to Comment 30-22i, and was, therefore, not used for the specific purpose of assessing overdraft.

25. TDS data on water quality should be included in the EIS/EIR if any conclusions about impacts of the project on water quality are to be asserted as at EIS/EIR 4.1-30. EIS/EIR discussion of impacts of the project on groundwater quality and water levels are NOT convincing. The concerns are magnified after reviewing the Technical Appendices.

Response to Comment 30-25

(a) The subject in question on page 4.1-30 of the Draft EIS/EIR is under the heading of Degradation of Quality of Water Pumped as a Result of Lower Groundwater Levels. As stated in this section, "[g]roundwater pumping for the proposed Project will not result in a significant lowering of groundwater levels in existing non-Project wells. Consequently, the quality of the water pumped by others should not be degraded in the future as a result of Project pumping." The Draft EIS/EIR acknowledges that "the quality of groundwater naturally worsens with depth" in the eastern Chuckwalla Basin. Although there are not data to conclude whether this phenomenon occurs in the western Chuckwalla Basin (i.e., in the vicinity of the Project site), the Draft EIS/EIR assumes it is a possibility in the analysis. If water-level declines as a result of Project pumping were found to be significant, then this phenomenon could also be a significant environmental impact as identified in the groundwater use significance criteria in Section 4.1.1.2 (page 4.1-4).

(b) Potential Project-induced impacts to water quality are thoroughly and systematically discussed in Section 4.1.2.1 of the Draft EIS/EIR. The Draft EIS/EIR identifies and individually evaluates the various potential mechanisms for groundwater quality to be affected (including leachate release, landfill gas, contaminant release from landfill support facilities, and contaminant release from Townsite facilities), and concludes that it will not be. It is assumed that the Comment is directed primarily at landfill leachate. On page 4.1-9 of the Draft EIS/EIR, the rationale for the conclusion that a leachate release would be unlikely is systematically presented. Despite the conclusion that a significant effect is unlikely, the Draft EIS/EIR goes further and identifies stringent mitigation measures to protect against a leak and to ensure rapid detection and response should a leak occur. Potential Project-induced impacts to groundwater levels are thoroughly and systematically discussed in Section 4.1.3.1 of the Draft EIS/EIR. The conclusion that groundwater levels will not be significantly affected is based on an analysis of water-level data and Kaiser pumping records, computer simulation of future water levels (based on conservative assumptions and conditions and well records from private wells), and professional judgment. All of these different approaches arrived at the same conclusion that water levels would not be significantly affected.

26. SURFACE WATER DRAINAGE AND FLOODING Descriptions of the culverts under the railroad at EIS/EIR 3.6-4 are inconsistent with the descriptions in Appendix F at 9, 10. Additionally the referenced RCFCD 6/4/92 letter was not included in the copy of Appendix F provided for our review.

27. GEOLOGY AND MINERAL RESOURCES Appendix H 1 Figs 7,8,9, and 10 all direct reviewers to "see Plate 1 of ROWD for detailed descriptions". Because the public does not have access to ROWD, the details should be included in the Appendix itself. Appendix H1-63, 64 Fig. 13 contain information about deformation at the top of the Gilroy landfill during seismic shaking. Why doesn't the EIS/EIR contain similar references to the Gilroy deformation information? Referring readers to ROWD for information on seismic design at Appendix H2-1 is not helpful.

28. DEIS/EIR at 3.9-27, 3.5-5 and elsewhere describe the Kaiser/Riverside County controversy over whether or not Kaiser has any remaining vested mineral rights at the Eagle Mountain Mine. Discussion in the Cumulative Impacts section reveals that there are additional conflicts related to the use of the East Pit for a landfill by MRC or as a part of a pumped storage project proposed by the Eagle Crest Energy Corp (ECEC). All such controversies should be discussed in one place because all involve BLM lands and will therefore have impacts on the proposed land exchange in addition to very serious potential impacts related to storage of a large amount of water at elevations above the proposed landfill site in addition to two competing uses for the East Pit area

29. EIS/EIR 4.9-18 should state that the WDR issued in 5/94 was effectively rescinded in 5/95 and cannot be relied upon at this time. See earlier discussion.

30. BIOLOGICAL RESOURCES Biological Technical Appendices for the new EIS/EIR are incomplete because they merely reference the previous Technical Appendices for the previous EIS/EIR (Appendix G 3-3, EIS/EIR 3.7-22.) I requested the complete Technical Appendices for the EML project was provided with only the 7/96 Technical Appendices. All relevant Technical Appendices should be included with this EIS/EIR.

Response to Comment 30-26

Section 3.6-4 describes the historical Townsite drainage and Appendix F describes the proposed drainage system for the landfill. The letter missing from Appendix F, Riverside County Flood Control and Water Conservation District, letter of June 4, 1992, to CM Engineering, has been included in Appendix O, Other Agency Correspondence.

Response to Comment 30-27

Please refer to Responses to Comments 30-5 through 30-7. The ROWD information referenced in Appendix H, Figure 7-10 provides details on the alluvium, artificial fill, and granitic rocks at specific locations in the vicinity of the Project site. This information is summarized in Section 3 of Appendix H, as well as Sections 3.9 and 4.9 of the EIS/EIR. With regard to the Gilroy Landfill, EIS/EIR Section 4.9.3.4 summarizes and references relevant observations of the seismic performance of landfills during several recent California earthquakes, contained in Appendix H-2.

Response to Comment 30-28

The EIS/EIR contains a full and complete discussion and disclosure of the issues raised in the comment in a format selected to respond to the requirements of both CEQA and NEPA. See Section 5 of the Draft EIS/EIR.

Response to Comment 30-29

Comment acknowledged. The status of this permit was discussed in the Draft EIS/EIR in Section 1.4.3.

Response to Comment 30-30

Referencing other relevant published reports and documents is an appropriate and well-established practice under both CEQA and NEPA. The previous EIS/EIR was widely distributed at the time of its publication and is available in the public record, as are many other technical references. In addition, all biological information has been updated, as discussed in the EIS/EIR and supporting appendices.

31. ENVIRONMENTAL MITIGATION TRUST Another area of serious inconsistencies relates to the intended uses of the $1[illegible] "Environmental Mitigation Trust" (EIS/EIR 4.7-14) or conserva[illegible] Trust Fund (Append G 3-39). Some discussion suggests that "t[illegible] fund could generate up to $6,000,000 per year for the purchase [illegible] conservation of desert tortoise habitat in Riverside Coun[illegible] (CMBC, Appendix G 3-39.) Different descriptions of the use of [illegible] trust fund are found at Appendix G 1-3, G 5-9, EIS/EIR 1-32, [illegible] 15, 4.5-21, 4.5-20, 4.7-14, 4.7-35 and 4.7-38. Why does [illegible] Technical Appendix G 3 suggest that all of the mitigation tru[illegible] funds are to be used for acquisition of desert tortoise habita[illegible] Riverside County, when this is not reflected in the EIS/EIR? [illegible] what extent did this misunderstanding contribute to CMB[illegible] conclusions that this fund together with mitigation meas[illegible] included in the previous USFWS Biological Opinion (BO) and CM[illegible] additional recommended mitigation measures would minimize or of[illegible] Project impacts for the desert tortoise? Was USFWS under the sam[illegible] misconception when the BO was prepared? EIS/EIR 4.7-14 cont[illegible] inconsistent information about who will be involved in [illegible] decisionmaking about land acquisition with trust funds., and h[illegible] decisions about funding use will be made.

Response to Comment 30-31

The EIS/EIR references cited in the comment are all correct as written in the EIS/EIR and do not internally contradict one another. On page 3-39 of Appendix G, the text accurately states that habitat for desert tortoise could be purchased using the Trust Fund monies. On page 1-31 of the EIS/EIR (Section 1.3.2.1), the second bullet refers to "acquisition and preservation" of sensitive resources as an objective of the County. The text does not mention the Trust Fund or specify its uses. On page 4.5-15, the text correctly states that the Trust Fund would be used to purchase additional lands for protection of biological resources. On page 4.5-20 and 4.5-21, the text correctly states that the Trust Fund would be used to acquire habitat. On page 4.7-14, the text correctly states that the funds would be used to acquire habitat. On page 4.7-35 and 4.7-38, the text correctly states that the funds would be used to acquire habitat for sensitive species, including the desert tortoise. With respect to the agencies and persons who will be involved in decisionmaking concerning the Trust funds, and other details concerning the Trust, see General Response 6.

32. BIOLOGICAL OPINION The USFWS BO conditions for the desert tortoise are described in Appendix G 5-5 to 5-11 and the words "shall" and "will" are noted with respect to the mandatory nature of FWS mitigation measures. By contrast the EIS/EIR (at 4.7-21 to 4.7-26) discussion of these same mitigation measures replaces the words shall/will with "should/would" ninety one 9 times thereby suggesting that the FWS mitigation measures are merely recommendations rather than mandatory requirements. Similar mitigation measures included in the Mesquite Landfill BO were definitely mandatory. Furthermore, the EIS/EIR does not include all the CMBC recommended mitigation measures contained in Appendix G Chapter 5 or in the Biological Technical Appendix G 6/96 Desert survey Supplement at p.4. Why?

33. APPENDIX G Figures A, E, F, G, K, and L should all be included in the EIS/EIR itself. The EIS/EIR contains much repetitive text in all sections, but leaves out important figures which are essential to understanding the relationship of the proposed project to the local and regional biological resources. This can only be remedied by including all the above referenced figures. Only by including these figures will the public understand the relationship of the Recovery Plan DWMAs, ACECs, designated ESA critical habitat, BLM management areas, and recorded distribution and wildlife corridors in relation to the project. Because the Technical Appendices were not widely distributed, these essential figures in the Biological Technical Appendix G should be included. Only by reviewing the maps can the public understand how the desert pupfish, bighorn sheep, and desert tortoise are impacted by transport along the rail line from Ferrum Junction to the landfill site.

34. All figures/maps included in technical appendices and in the EIS/EIR should include a scale. EIS/EIR Fig. 3.7-5 is an example of a map without a representation of scale.

Response to Comment 30-32

The mitigations identified in Section 4.7 of the Draft EIS/EIR are intended to be implemented as they are described in the Biological Opinion. Additional mitigation measures identified in the Appendix G were included in the Draft EIS/EIR on pages 4.7-26 through 4.7-28

Response to Comment 30-33

Comment noted; the information is available to the public in Appendix G.

Response to Comment 30-34

Comment acknowledged. The EIS/EIR figures have been reviewed and edited, as necessary and appropriate.

35. The CMBC 6.96 Supplement to the Biological Technical Appendix includes details of the Spring 1996 plant surveys which added 23 new plant species including new Category 2 species to the list of plants in the project area, more desert tortoise evidence southeast of the bermed area, and 15 new bird species. (Supplement p.i.) This Supplement was faxed to CH2MHill on 6/3/96 (Supplement p.4) and included in Tech Appendix, but the information included in the Appendix was not referenced in the EIS/EIR despite the significance and despite CMBC's recommendations for needed mitigations and compensation for lost desert tortoise habitat in the bermed area. Why?

36. EIS/EIR 3.7-5, 4.7-3, and 4.7-15 omits the information from the 6/96 Appendix G Supplement noting the finding of Colubrina californica and Ditaxis californica (G Supp-3) in the vicinity of the Eagle Mountain Access Road. EIS/EIR Table 3.7-1 on 3.7-6 and 7 and Table 3.7-2 on pages 3.7-12 to 3.7-16 were not changed to reflect this information even though the corrections were included in Appendix G 6/96 Table 3-1 and included in the unnumbered figures which followed. Why was the EIS/EIR released without this information being included? Surely biologists at CH2MHill, Riverside County and BLM all realized that this was important information being added as a result of the spring surveys.

37. EIS/EIR Sec. 4.7.3.4 discussion of significance after mitigation for impacts on biological resources is inadequate because EIS/EIR completely fails to include discussion or location of C2 plant species Ditaxis californica. Elsewhere the EIS/EIR states that impacts to the roost site for Macrotus are unmitigable

Response to Comment 30-35

As the Comment states, information on new biological resources, noted during spring 1996 surveys, is included in Appendix G of the Draft EIS/EIR. For further discussion on this additional information, refer to General Response 6.

With regard to the potential for desert tortoise habitat loss in the berm area, the EIS/EIR includes additional mitigation for this disturbed habitat. Loss of 5 individuals of California ditaxis and 1 individual of las animas colubrina was deemed by CMBC to be a less than significant impact. Prior to 28 February 1996, these species were considered Category 2 candidates. The *Federal Register* Notice published on that date abolished Category status and changed the status of existing Category 2 candidates to "Candidate" or species of concern, which has no existing protection status. The status of both of the former Category 2 candidate plant species was changed to species of concern. The status of these species and others has been changed to reflect the *Federal Register* Notice in the Final EIS/EIR. In a letter dated 30 September 1996, the US Fish and Wildlife Service indicated that it will review new information resulting from 1996 surveys, but that at present, the Service sees no need to reinitiate consultation relative to Section 7 of the Endangered Species Act. See General Response 6 and Response to Comment 1-107.

Response to Comment 30-36

Comment acknowledged. As the comment notes, these data are included in the Draft EIS/EIR in Appendix G. An additional 25 acres of mitigation has been included for the 10 acres of potentially disturbed habitat.

Response to Comment 30-37

Please see Response to Comments 8-3, 8-4, 8-10, and 30-35. Additionally, if monitoring at the Kaiser and Eagle Mountain adits indicate that bats are abandoning the Kaiser adit and not recolonizing the Eagle Mountain adit, a new adit will be constructed that provides suitable environmental conditions for California leaf-nosed bat but at a location to be determined in consultation with resources agencies. Also see General Response 6.

38. Both Appendix G and EIS/EIR 4.7-33-34 comparison of EML BO with core and other conditions in other BOs in California and Nevada is really irrelevant, because only 7 were for landfills (- in Nevada and 3 in California). The BO 1-6-95-F30 for the Mesquite Regional Landfill in Imperial County, another 20,000 ton/day landfill was not considered. It is assumed that only one of the other landfills was a comparable 20,000 ton.day landfill (the proposed Railcycle/Bolo Station landfill in San Bernardino County).

39. CMBC concludes mitigation measures could effectively protect the desert tortoise (remember the misconception about use of mitigation trust funds), however, EIS/EIR 4.7-34 & 35 reveal that many of the mitigation measures have not been implemented for longer than 5 years or that measures are only intuitive (related to the trains) and have not been tried to determine long term effectiveness. This is also applicable to raven impacts.

40. Discussion of Biodiversity at EIS/EIR 4.7-1 should also have considered the 6/96 supplemental biological observations in Appendix G. A landfill at such a site seems most inappropriate.

41. EIS/EIR contains inadequate discussion of impacts on bat populations which the EIS/EIR recognizes as significant after mitigation. Failure to include any previous technical appendices on bat surveys only exacerbates the problem.

Response to Comment 30-38

The assessment of the efficacy of mitigations for reducing impacts to tortoises to below levels of significance for 234 Biological Opinions is sufficient to address the value of mitigation measures for the primary causes of tortoise mortality. See also Response to Comment 28-109. The rationale for this analysis and conclusion is discussed in EIS/EIR Section 4.7-33. The Biological Opinions researched included similar features such as landfills and linear facilities (roads and railroads); therefore, the opinions are relevant. Also see Response to Comment 1-121.

Response to Comment 30-39

Five years of data do not render the efficacy of tortoise mitigation measures intuitive. Monitoring studies associated with the Project would provide additional information on the effectiveness of the mitigation measures. See also Response to Comments 1-121 and 20-43.

Response to Comment 30-40

The conclusions in Section 4.7.4 are not changed by additional 1996 survey information. See also Response to Comments 30-35 and 30-37.

Response to Comment 30-41

Results of added bat surveys have been incorporated in the text of the Draft EIS/EIR. Please see Responses to Comments 20-24 through 20-27 and Comment 26-20.

42. PLANT SALVAGE In the absence of mitigation measures to protect all individuals of sensitive species of cacti at the project site, the project should consider allowing salvage and transplanting of cacti to other sites either as mitigation with any remainders to be salvaged and transplanted using a lottery system as when plant salvage was permitted at a site west of Phoenix for a reservoir expansion or salvage open to the public as at Mesquite Gold Mine. Figures in Section 3.7 give location and numbers of cacti.

43. TRAFFIC AND TRANSPORTATION There appears to be no detailed discussion of the railroad right of way with regard to geology, surface water & flooding, and biological resources and the impacts of the heavier use of the route from Ferrum Junction to the landfill site along the proposed right of way. This is critically important because there are a number of parcels owned by Kaiser along this route which have been proposed for exchange to BLM. Without detailed information about those parcels and the impacts of the proposed increased use of the rail route, the public can make no conclusions about the resource values of those offered exchange lands and the purported benefits that would accrue to the public from the proposed land exchange.

44. Why was August chosen for the traffic counts near Desert Center (EIS/EIR 3.3-9)? What are the winter traffic counts?

45. EIS/EIR contains inconsistent information about use of the landfill site by truck traffic at 4.3-9. 4.3-9 suggests that waste could be hauled by truck from urbanized regions of Riverside and San Bernardino counties. However, EIS/EIR 2-20 states that after 3 years only waste from desert areas of Riverside county could be transported by truck. Chuckwalla Valley is specifically identified as an area for long-term truck transport.

46. LAND USE Basing estimates of agricultural use and therefore groundwater consumption on pesticide permits (EIS/EIR 3.5-13) is not logical because there are many acres devoted to organic farming and no pesticides will be used on that acreage.

Response to Comment 30-42

Please see Response to Comments 8-1 and 8-2.

Response to Comment 30-43

See Response to Comment 26-16. In addition, geology is discussed both for the vicinity of the Project site and for the region. The Project design includes measures to address drainage patterns, including areas of the right-of-way for the railroad. Please see also General Response 4.

Response to Comment 30-44

Traffic counts were taken during August and extrapolated, based on historic use, to develop projections for other months. There are no other major new developments near Desert Center that would be expected to skew these extrapolations.

Response to Comment 30-45

The references to the EIS/EIR cited by the commenter are not contradictory. Although waste will be accepted from the Chuckwalla Valley by truck, it is anticipated that this delivery will account for only a small portion of the waste stream to the site.

Response to Comment 30-46

The estimates of agricultural acreage in the Project vicinity are based, in part, on the basis of pesticide permits, which were provided by the Agriculture Commissioner's Office of Riverside County. As noted on pages 3.1-25 and 3.1-26 of the Draft EIS/EIR, engineering surveys in 1986, 1992, and 1994 estimated groundwater usage based on agriculture, commercial and domestic uses. As shown in Table 3.1-3, groundwater pumping had significantly declined between 1986 and 1994, due primarily to an ongoing trend of agricultural decline in the vicinity. Due to the decline in agricultural production and the sharp decrease in pumping from Kaiser-owned wells, groundwater replenishment is taking place at a higher rate than groundwater pumping, and therefore, the basin is not in an overdraft condition. Furthermore, the Draft EIS/EIR notes on page 4.1-29 that when current groundwater pumping is added to future estimated Project pumping rates, the

47. ACEC LOCATIONS AND SIZE In EIS/EIR Fig. 3.5-5 the map is unclear as to the boundaries of the ACECs. It appears that the rail line from Ferrum Junction to the proposed landfill site does not actually cross through ACECs, but text at EIS/EIR 3.5-19 says it does. Fig. 3.5-5 should be replaced with Appendix G Fig. K for ACEC boundaries. Correct ACEC boundaries and names should be used. Dos Palmas is not an ACEC yet. the correct size and location of the Salt Creek ACEC should be used instead/ or in addition.

48. TOWNSITE FOR RESIDENTIAL OR INMATE USE EIS/EIR 4.5-5 contains the first discussion of the use of Townsite Planning Areas 1,2,3 and 4 for inmate housing rather than for other community purposes at 3.11-16. Fig. 2-7 and Fig. 3.5-2 do not suggest usage of the Townsite to house the 1780 inmates as spelled out in 4.5-5 EIS/EIR discussion of the use of the Townsite for residential purposes at 3.11-16 is, therefore, misleading. Given the nearby location of the Desert Center school property one must question whether this is prudent planning.

total will be less than the estimated rate of recharge (i.e., the basin will not be an overdraft condition).

Response to Comment 30-47

Figure 3.5-5 is appropriate for depicting the location of the ACECs in the vicinity of the Project. The text on page 3.5-19 is correct in stating that the railroad passes "through" the ACECs, rather than "between" the ACECs. This point is clarified in a new Figure 6-1 in the Final EIS/EIR, which better depicts the relationship between the ACECs and key Project features.

Response to Comment 30-48

The Draft EIS/EIR, Section 4.5 (Land Use), is the appropriate location to discuss potential compatibility impacts with nearby land uses. The cited Section 3.11 is a discussion of existing land uses near wilderness areas. As noted in Section 4.5, correctional facility use in Planning Area 1 currently is approved under Riverside County Planned User Permit (PUP) No. 585. Similar correctional facility uses in Planning Areas 2 to 4 are not proposed but are cited as allowable in Planning Areas 2 to 4 under the commercial/manufacturing designation and would require subsequent PUP review and approval by the Riverside County Board of Supervisors if proposed. Figure 2-7 shows general Planning Area boundaries, acreages, and the possible number of total dwelling units per Planning Area. Figure 3.5-2 shows only the existing land uses within the Townsite. Because Section 3.5 discusses primarily existing land use conditions, there is no detailed discussion regarding allowable future uses. Likewise, Section 3.11 discusses mainly existing conditions adjacent to wilderness areas, and notes that the Townsite would be used to serve the housing and service needs of future employees of the landfill. The primary function of the Townsite will be to serve residential needs of future employees and their families. Only about 50 additional acres out of 429 acres would be potentially used for correctional facilities. Section 4.5 discusses the fact that in addition to the existing facility in Planning Area 1, correctional facilities are allowed under the commercial/manufacturing designation in Planning Areas 2-4. These facilities are not presently proposed, but merely allowed along with commercial and manufacturing uses.

49. Furthermore the school would apparently be within 500 1000 feet of the project boundary (EIS/EIR 4.5-13). Does the state or County have any regulations about the proximity of schools to correctional facilities and/or landfills? If so, what are they?

50. If there are no strict regulations requiring that hiking in JTNP wilderness be initiated from within the park boundaries there would be no reason why hikers could not hike into wilderness areas of the park from any paved or dirt access road on public lands surrounding the JTNP or from any of the nearby private lands. Accordingly visual impacts analysis is unrealistic. Fig. 3.10-4 depicts the proximity of JTNP lands to Highway 177 and 62 in the NE and north of the park, and frontage road through BLM lands to the south of JTNP.

51. It appears that mitigation measures at EIS/EIR 4.10-34 are merely ideas or suggestions and not requirements. Purchase and operation of electric vehicles has a loophole called "when feasible", so does alternative fuels. (EIS/EIR 4.10-39-40.)

52. The assertion that reduction of the project size by use of the Kaiser only lands or a reduced project size would reduce the potential for windblown debris is illogical because the working face is apparently a maximum of 2 acres regardless of the project size.

Response to Comment 30-49

Although the eastern edge of the Townsite is adjacent to the Eagle Mountain School, the nearest Planning Area which has the potential to have a correctional facility (Planning Area 4) is approximately 2,500 feet away from the school site and would be buffered extensively by existing and proposed residential uses. As detailed on page 4.5-5 of the EIS/EIR, existing and future correctional facilities operate under a Planned Use Permit (PUP) issued by the County of Riverside. Also see Responses to Comment 30-48. The PUP process considers applicable codes, ordinances, and recommendations of responsible agencies and a correctional facility could not be approved without compliance. As a discretionary action, any subsequent PUP approval is also subject to compliance with all CEQA Guidelines and all potential environmental impacts would be considered at that time.

Response to Comment 30-50

The evaluation of potential visual impacts of the proposed Project to JTNP was conducted for visitor view locations within the park. Consequently, the evaluation and potential impact is independent of the route of access into JTNP.

Response to Comment 30-51

The mitigation measures listed on EIS/EIR page 4.10-34 will be implemented as part of the proposed Project. The listing of such emerging technologies as electric vehicles and alternative fuels as potential mitigation measures is standard practice for projects within the SCAB.

Response to Comment 30-52

The EIS/EIR evaluates potential Project-induced impacts over the life of the landfill. Assuming the potential for Project-related windblown debris is related to the total amount of waste disposed of over the life of the Project or to the total acreage used, reductions in the scale of the Project would be expected to reduce the overall impact of windblown litter.

53. The impacts of noise and light from half of the trains travelling at night (EIS/EIR 4.10-43) through sensitive habitat is not adequately discussed in the section on biological resources.

54. WILDERNESS Why are old BLM 1990 maps used for the Bagle Mountain Wilderness and Coxcomb Mountains (EIS/EIR Fig. 3.11 7 & 8) rather than the JTNP proposals now that portions of the BLM WSAs have been added to the JTNP with passage of the CDPA in 1994? We appreciate the EIS/EIR acknowledgement that just knowing a giant landfill is so close to the new JTNP could impact the quality of wilderness experience (EIS/EIR 4.11-3&4). Won't the additional lighting for the EML have a cumulative impact over and above the impacts of the correctional facilities and existing residences simply because additional lighting will be concentrated?

55. AIR QUALITY Based on EIS/EIR Tables 3.4-1 to 3.4-5 it appears that in a number of criteria the air quality in SEDAB is already worse than SCAB. How frequently were each criteria sampled, and how would this impact the analysis for cumulative impacts? Why should the SEDAB be the recipient of additional worsening air quality that would be associated with the transport of waste by rail from SCAB? Because not all counties would be able to use this EML site because there has been no analysis of the rail haul routes from Ventura, Santa Barbara and San Diego, how would this impact the air quality analysis? It appears that EML is a no win situation for Riverside County and JTNP with respect to air quality degradation in the future.

Response to Comment 30-53

Only one train will travel through these areas at night. The impacts at night were considered, and the brief, transitory nature of the train trips will not constitute a significant impact.

Response to Comment 30-54

With regard to currency of land designation maps, the commenter is referred to Response to Comment 1-9. With regard to the question of potential cumulative lighting impacts, as noted in EIS/EIR Section 5.5.2.10, nighttime lighting of the facility will be in an area already intensely lighted at night from the correctional facility. Therefore, light will not increase significantly in the Project vicinity. Please see the additional nighttime lighting analyses in Appendix W.

Response to Comment 30-55

As shown by the air quality data presented in Tables 3.4-1 through 3.4-5 of the Draft EIS/EIR, air quality is not worse in the SEDAB compared to the SCAB. While air quality levels exceed some state and federal air quality standards in the SEDAB, they do not exceed the levels monitored in the SCAB. For example, Table 3.4-3 of the Draft EIS/EIR shows that in the SCAB, the state 1-hour average ozone standard of 0.09 ppm has been exceeded on 165 to 211 days per year during the past six years. In the SEDAB, ozone levels have exceeded the state 1-hour standard on 149 to 176 days per year during this same time period. Likewise, for fine particulate matter, the state 24-hour average standard of 50 ug/m^3 has been exceeded on 51 to 67 days per year during each of the past six years in the SCAB; in the SEDAB this standard was exceeded on 43 to 65 days per year during this same time period. With the exception of particulate matter, each of the pollutants is sampled on a continuous basis. A detailed discussion of ambient air quality monitoring is included in the Draft EIS/EIR (Appendix E, Part 2). The ambient air quality data discussed in this section of the Draft EIS/EIR were used in the air quality modeling analyses performed for the Draft EIS/EIR where ambient background levels are added to modeled Project impacts (see Appendix E, Parts 4 and 5).

56. CUMULATIVE IMPACTS Discussion is inadequate. Why is there no discussion of potential increased agriculture in the Chuckwalla Valley to previous levels or other growth and projects in Riverside County? What would be the impacts of increased NAFTA induced trade with Mexico using the rail lines from Los Angeles to the south through Riverside and Imperial Counties?

57. Appendix M and/or EIS/EIR Table 1-6 should also include mitigation measures for Postclosure maintenance. Everything about this EIS/EIR seems unacceptably vague, and as presented in Table 1-6 and Appendix M, many, many proposed mitigation measures do not appear to be mandatory, but merely recommendations or suggestions. Is this a correct interpretation?

58. CONCLUSIONS DPC recommends the preparation of a Revised Draft EIS/EIR including the complete Biological Technical Appendix G and any other still relevant Technical Appendices from the previous EIS/EIR with recirculation for public review for the full comment period. Inconsistencies, omissions, and misinformation presented in this EIS/EIR are of such importance that mere corrections in a Final EIS/EIR will not be adequate. Furthermore, the EIS/EIR should evaluate the potential environmental impacts of the revised project description. Additional environmental analysis is necessary for the offered exchange lands if a BLM Record of Decision for the proposed Land Exchange and Right-of-Way are to meet the requirements set forth for BLM land Exchanges and criteria required in past IBLA Decisions.

59. DPC appreciates the opportunity to review the EML DEIS/EIR and its associated 7/96 Technical Appendices, however DPC cannot support the siting of what would be the world's largest landfill in a pocket surrounded by Joshua Tree National Park lands.

Please send all EML Project documents to:

Edith Harmon, DPC
P. O. Box 444
Ocotillo, CA 92259

The Comment stating that the Draft EIS/EIR lacks an analysis of the air quality impacts associated with rail hauling from the Ventura, Santa Barbara, and San Diego Counties is incorrect. The Draft EIS/EIR does include the emission impacts associated with the increased rail traffic in Ventura, Santa Barbara, and San Diego Counties (Appendix E, Part 7 and Attachment A).

Response to Comment 30-56

The most likely potential agriculture-related cumulative impact would be use of groundwater. As noted in Section 5.5.2.1, if agricultural water demands increase to the levels of the 1980s, a cumulatively significant environmental impact would result with the proposed Project. With regard to potential NAFTA-related increases in rail traffic, no firm information is available on which to base a reliable projection of increases in rail transportation likely to occur as a result of this new international trade agreement. The EIS/EIR acknowledges the existence of NAFTA and the potential for as yet unknown effects on traffic in the future. Regarding cumulative impacts, see Section 5 of the Draft EIS/EIR, as well as Response to Comments 1-11, 1-13 and 1-151.

Response to Comment 30-57

Appendix M of the Final EIS/EIR details specific mitigation measures, as well as details of their implementation, timing, monitoring or reporting agencies, and penalties for noncompliance.

Response to Comment 30-58

Preparation and recirculation of a revised Draft EIS/EIR is not warranted. Responses to public comments and revisions to EIS/EIR text and graphics in the final EIS/EIR adequately disclose and document all relevant information related to the proposed Project. With regard to the call for additional environmental analysis on offered lands, the commenter is referred to the Response to Comment 3-1. Also see Response to Comment 1-36.

Response to Comment 30-59

Comment acknowledged.

COMMENT LETTER 31

"DON'T TRASH THE DESERT"
CITIZENS FOR THE CHUCKWALLA VALLEY
P.O. BOX 397 DESERT CENTER CA 92239 (619) 392-4

SEPTEMBER 2, 1996

MS. JULIA DOUGAN, AREA MANAGER
BUREAU OF LAND MANAGEMENT
63-500 GARNET AVE
NORTH PALM SPRINGS CA 92258-2000

Dear Ms. Dougan,

31-1 This is in regards to the Eagle Mountain dump proposal, specifically the formal consultation with US Fish & Wildlife Service pursuant to Section 7 of the Endangered Species Act. I recently had a telephone conversation with Mr. John Bradley, US F&WS in Carlsbad, who informed me that the Bureau of Land Management MUST make the request for the re-initiation of the Section 7 Biological Opinion.

31-2 You recall, during the scoping session held with the successful litigants, the County, BLM, and CH2M Hill (which we recorded), you told us that "there are no valid federal permits" for the Eagle Mountain dump, and that "they will have to be re-initiated".

31-3 We are anticipating your formal request to US F&WS in Carlsbad prior to the ending of the comment period, which as you know expires September 17, 1996. We have made a copy of the tape of our scoping session to include in our comments to the DEIS/EIR for this reason, as well as our comments for the scoping session have been ignored, again. NEPA dictates that all studies, supplements, etc., be conducted concurrently and made part of the environmental document for public review and comment.

31-4 Send copies, to the above address, of any correspondence between BLM and US F&WS concerning re-initiation of the Section 7 Consultation/Biological Opinion. Thank you.

Sincerely,

Larry Charpied, Chairman
CITIZENS FOR THE CHUCKWALLA VALLEY

Response to Comment 31-1

Please see General Response 6 and Response to Comment 1-107 regarding reconsultation.

Response to Comment 31-2

Please see Response to Comment 18-29 regarding validity of permits.

Response to Comment 31-3

Please refer to General Response 6 and Response to Comment 1-107 regarding reconsultation. In preparing the draft EIS/EIR, all public and agency views and comments, offered during scoping sessions, were taken into consideration.

Response to Comment 31-4

Please see Appendix O of the Final EIS/EIR.

COMMENT LETTER 32

"DON'T WASTE THE DESERT"
CITIZENS FOR THE CHUCKWALLA VALLEY
P.O. BOX 397 DESERT CENTER CA 92239 (619) 392-4722

SEPTEMBER 3, 1996

HONORABLE BRUCE BABBITT, SECRETARY
DEPARTMENT OF INTERIOR
1849 C ST., NW
WASHINGTON DC 20240

Dear Mr. Secretary,

32-1 This letter is in reference to the proposed Eagle Mountain dump, located in Eastern Riverside County. On September 10, 1992, the Service issued a Biological Opinion in response to the Bureau of Land Management's request for formal consultation pursuant to Section 7 of the Endangered Species Act, for the proposed Eagle Mountain dump, on federal land in the California Desert Conservation Area. The opinion was based on information provided by the project's applicants, at the time critical habitat had not been designated for the desert tortoise in California.

32-2 New information has become available on a number of listed species that will be affected by the proposed project, and the project has changed significantly since it was originally proposed. For example, there is new information regarding impacts that would result in adverse modification or destruction of designated critical habitat for the desert tortoise. Destroying/damaging this federally owned habitat and increasing the take for the desert tortoise have not been considered.

Considerable public funds have already been spent to protect the tortoise along the now defunct railroad right of way through the Chuckwalla Bench Area of Critical Environmental Concern and the Chuckwalla Desert Wildlife Management Area. Further, the expansion of Eagle Mountain Road will also destroy habitat and increase the take of the tortoise, as well as impact other threatened or endangered species. Destruction of the habitat and increasing the take will have a significant impact on other development projects in Riverside County. The Service needs to consider the job and economic impacts of destroying this habitat on other development projects.

New information is now available regarding the cumulative effects to the desert tortoise and other species from the three currently proposed 100 year, 20,000 tons per day facilities in the California Desert Conservation Area. The Service should in response to the Court, ensure that effective mitigation measures are adopted in any new biological opinion. Also, the modifications and rebuilding necessary for the railroad trestle would most likely result in the previous incidental take limit being met or exceeded for the desert pupfish.

32-3 In closing, the Environmental Impact Statement, ("EIS") for the proposed Eagle Mountain dump is the vehicle used to amend the California Desert Conservation Area Plan and provides the public with an opportunity to comment on the plan. The Biological Opinion is part and parcel of said EIS therefore, the public has the option and the duty to provide comments on the Opinion that will adversely affect the California Desert Conservation Area. We therefore respectfully request that pursuant to 50 CFR 402.16 re-

Response to Comments 32-1 and 32-2

Please see General Response 6 and Response to Comment 1-107 regarding reconsultation. Based on the research conducted in the Biological Opinions (Section 4.7), potential impacts would not affect other development projects. Section 5 of the Draft EIS/EIR identifies and analyzes potential cumulative effects.

Response to Comment 32-3

Please see General Response 6. and Response to Comment 1-107.

initiation of formal consultation and a new Biological Opinion be completed for the new proposed Eagle Mountain dump, road right of way, railroad right of way, and federal land exchange.

Respectfully,

Larry Charpied, Chairman
CCV

CC:

Vice President Al Gore
Mr. Garamendi
Michael Soukup
Roger Kennedy
Senator Boxer
Senator Feinstein
Julia Dougan, BLM
John Bradley, F & W S

CITIZENS FOR THE CHUCKWALLA VALLEY P.O. BOX 397 DESERT CENTER CA 92239 (619) 392-4722

COMMENT LETTER 33

"Don't Trash the Desert"

Citizens for the Chuckwalla Valley
P.O. Box 397, Desert Center 92239 (619) 392-4722

RIVERSIDE, CA September 14,1996

Eagle Mountain Landfill
and Recycling Center Project
Bureau of Land Management
6221 Box Springs Blvd.
Riverside, Ca. 92507

To Whom it May Concern,

We are writing to comment on the DEIS/EIR for the proposed Eagle Mountain Landfill and Recycling Center Project.

My husband and I became involved in Citizens for the Chuckwalla Valley (CCV) as it was being formed, to help in the fight against the proposed dump at Eagle Mountain.

We are organic table grape growers and have alot at stake if this proposal goes through. There are many areas that are of concern to us. The issue of water quantity and quality concerns us most at this time. This new DEIR/EIS states that there is no longer an overdraft in the Chuckwalla aquifer. I know from experience that this is not true. We have been pumping air for many months and now must lower the pumping depth in our well. The aquifarms in the valley use a tremendous amount of water. As do the two large state prisons. Plus, we have had virtually no rainfall in the past 4 years. So with these conditions, how could we not be in an overdraft situation? 1

I would also like to state my concern for the probable likelihood that our water will be contaminated by leachate. Liners and leachate collection systems do fail overtime. Nothing is 100% fail-safe.

Another area of concern of mine, is the negative consequences this project will have on desert wildlife. As a farmer, we have large bat populations that feed in and around our vineyard. They are remarkably effective at pest control. So it concerns me that their habitat and nesting sites may be destroyed. 2

The EIR/EIS states that the occurrence of the Yuma Mountain Lion is unknown. Both my husband and I have seen these animals on our farm, on our dirt road and on Rice Road several times this year. Others in the area, have also seen the Lion's in and around Desert Center this year. So we can be sure that they do exist out here.

I'm also very concerned about the negative impact this project will have on air quality. It seems all the impacts cannot be mitigated and there will be significant degradation of air quality. This in itself, should be enough to stop this proposal from going forward. 3

These are only a few of the more important concerns of mine. This proposal is riddled with potential problems and negative consequences and it should have been scrapped years ago.

Sincerely,

Johnnie Cobb

SCO10019579.DOC

Response to Comment 33-1

Comment acknowledged. As noted in EIS/EIR Section 3.1, available data indicate that groundwater extraction in the Chuckwalla Basin is approximately 60 percent of total groundwater replenishment and, therefore, is not presently in overdraft. With regard to the potential for leachate contamination, please refer to General Response 5.

Response to Comment 33-2

Please see General Response 6 and Response to Comments 1-8 and 8-10 regarding bats. The Final EIS/EIR has been changed to reflect the presence of a mountain lion at the Project site, however, CDFG biologists indicate that taxonomic identification of the animal has not been determined. Please see General Response 6 regarding mountain lion.

Response to Comment 33-3

Please refer to General Response 7.

E. Fails to adequately consider or discuss the impact that increased levels of air pollution will have on the flora and fauna of the Pinto Basin wilderness.

Our specific comments are as follows.

A. Impacts to Wilderness Resources/Wilderness Experience.

The Draft EIS/EIR fails to comprehend, understand or competently address the impacts of the Project on Joshua Tree National Park wilderness and other nearby wilderness areas.

The Draft EIS/EIR fails to recognize the Eagle Mountains and surrounding region as a viable wilderness destination, citing the lack of established campsites, the "severe summer temperatures" and lack of water. First, it is the very lack of established campsites and other "works of man" that makes the area a desirable backpacking destination. Second, for at least six months of the year, mild temperatures, and the existence of at least three natural and permanent water sources in the area (Buzzard Spring, Cactus Spring, and Eagle Tank) make extended backpacking trips of considerable and extended duration quite feasible. In fact, this concentration of reliable, permanent water sources is unique to the entire eastern half of Joshua Tree National Park, allowing for exceptional wilderness experience opportunities. The Draft EIS/EIR recognizes a significant and unmitigatable impact to the "wilderness experiences" available in the vicinity of the project. For this reason alone, the Project should be rejected. 1

The Draft EIS/EIR fails to recognize that increased illegal incursions into wilderness will necessarily occur as a result of repopulating the Eagle Mountain Townsite. These incursions will involve increased poaching of animals and plants, illegal off-highway-vehicle use, illegal fires, and illegal camping. Because the Draft EIS/EIR fails to recognize these impacts, it fails to propose any mitigation plans. Instead, the Draft EIS/EIR simply asserts, without any justification whatsoever, that the Project is "unlikely to increase illegal access to the park." (4.10-47).

Furthermore, the Draft EIS/EIR concludes that increased off-highway-vehicle (OHV) use, and resultant environmental destruction, will not occur because "it is illegal" to use off-highway-vehicles in wilderness. Unfortunately, it is a fact of life that whenever people move into the desert, they bring their OHVs with them; they will bring them to the Eagle Mountain Townsite, and some people will use them illegally. The Draft EIS/EIR fails to recognize this significant and unmitigatable impact.

COMMENT LETTER 34

Desert Survivors
c/o 2043 Berryman Street
Berkeley, CA 94709

Eagle Mountain Landfill & Recycling Center Project
Bureau of Land Management
6221 Box Springs Boulevard
Riverside, CA 92507

Re: Draft EIS/EIR

Ladies and Gentlemen:

This letter presents the comments of Desert Survivors with respect to the Draft EIS/EIR for the proposed Eagle Mountain Landfill & Recycling Center Project. Desert Survivors is a non-profit desert conservation and public education organization representing a group of nearly 1,000 members. As a part of our efforts we study the wilderness and wildlife of the California deserts, and we organize wilderness backpacking trips, a number of which have been in the Pinto, Eagle and Coxcomb Mountains in the eastern half of Joshua Tree National Park.

Our efforts are dedicated to preserving and protecting desert wilderness and wildlife, and we have therefore been closely monitoring the proposed Eagle Mountain Project over the past several years. We have personal knowledge of the area that will be impacted by the proposed project, and after study of the Draft EIS/EIR, we have concluded that the Draft EIS/EIR

A. Fails to properly consider the significant impacts of this project to Joshua Tree National Park wilderness and resources;

B. Fails to describe realistic and achievable mitigation efforts for impacts to
   1. Bighorn Sheep
   2. Desert Tortoise;

C. Fails to describe realistic and achievable mitigation efforts with respect to windblown trash and debris;

D. Fails to mitigate impact to the California Leaf-nosed Bat; and

Response to Comment 34-1

The EIS/EIR contains a full and complete evaluation of the potential of the proposed Project to affect wilderness areas in JTNP from the perspective of both a resource and an experience. The commenter is referred to EIS/EIR Sections 3.11 and 4.11 for this evaluation and to General Response 3. In addition, JTNP and potential impacts to the park are discussed in the separate resource topic areas (e.g., air quality, waster quality) throughout the EIS/EIR. The NPS, in its Agreement with Kaiser/MRC, states that the EIS/EIR is a complete analysis in accordance with NEPA/CEQA. The Final EIS/EIR does acknowledge the potential for illegal activities and the Final EIS/EIR contains educational programs for Townsite residents on these issues. See Response to Comment 34-2.

B. Impact to Nelson's Bighorn Sheep and Desert Tortoises

The Draft EIS/EIR recognizes significant impacts to Nelson's Bighorn Sheep and Desert Tortoise populations. The proposed mitigation measures are poorly conceived, overly vague, and unproved. The Draft EIS/EIR should therefore be rejected. In particular:

a 1. The Draft EIS/EIR proposes the rehabilitation of Buzzard Spring as part of the plan to mitigate the destruction of four water sources in the mine area. The Draft EIS/EIR fails to recognize that Buzzard Spring is in all likelihood too close to the noise, lights and smells of the Dump and Townsite for the incredibly shy Bighorn to ever make use of the Spring once the dump is operating and the Townsite repopulated.

b 2. The Draft EIS/EIR proposes development of "two or three" new, permanent water sources to mitigate the loss of those in the mine area. The Draft EIS/EIR fails, except in an overly broad and unacceptable manner, to set forth exactly where and how these new, permanent water sources will be located and maintained. In fact, the Draft EIS/EIR is not even clear as to how many new water sources will be created. 2

c 3. The Draft EIS/EIR fails to address how Buzzard Spring and these new water sources will be maintained in the decades and centuries to come.

d 4. The Draft EIS/EIR mitigation plan allows the Bighorn one year to accustom themselves to the new water sources, and proposes forced relocation, if the Bighorn don't cooperate with the one year program. Since the California Department of Fish and Game has reported that it is not uncommon for Desert Bighorn to take up to ten years to begin to use new water sources, forced bighorn relocation is virtually guaranteed. The Draft EIS/EIR fails to adequately address the impact of forced relocation on the Bighorn population, or to show that it would be effective in practice.

e 5. The Draft EIS/EIR recognizes that increased human interference with the Bighorn's natural lives will occur as a result of this project. Such interference is likely to include at least some poaching. The proposed mitigation measure of public and employee education programs is wholly vague, inadequate, and unproved as to effectiveness.

f 6. The Draft EIS/EIR fails to recognize that a major cause of tortoise loss is human predation. The possible proposed mitigation action of "public education" (as proposed for the Bighorn Sheep) is wholly vague, inadequate and unproven as to effectiveness.

Response to Comment 34-2

(a) Buzzard Springs is approximately 3 miles from the landfill site and is located in a sheltered canyon area of the Eagle Mountains southwest of the Project site. According to anecdotal information provided by former Kaiser employees who worked at the Eagle Mountain Mine during its active operation, Bighorn sheep were evident in the area of the mine, which is closer to the proposed landfill site than Buzzard Springs. Also see General Response 6, Responses to Comments 2-1, 8-5, 8-6, 8-7, and 8-8.

(b) Mitigation to compensate for loss artificial of water sources at the site has been revised in the Final EIS/EIR to specify four water sources, two near the Project site in the Eagle Mountains at locations identified in the Bighorn Sheep Monitoring Program for the Eagle Mountain Landfill Project (Divine and Douglas, 1996), and two along the rail spur at locations to be determined in coordination with CDFG biologists. The location of the two identified water sources will be described as being placed north of the landfill and at the top of Placer Canyon. See also General Response 6.

(c) The tank design for the water source preferred by the CDFG, has been added to the mitigation section of the Final EIS/EIR. A "four time" replacement requirement for the tanks will be added to the mitigation section such that the water sources would be functional throughout the life of the Project. Mitigation that requires that the water sources be filled by MRC when natural runoff is insufficient to maintain their function will be added. See also the MMRP in Appendix M.

(d) See General Response 6.

(e) The employee awareness programs will include a discussion about poaching. It is important to note, however, that the potential for poaching will continue to be attributable to factors and influences unrelated to the Project.

(f) The efficacy of public education programs for desert tortoise, which will be provided to all employees, many of whom will reside at the Townsite, was evaluated along with other mitigation measures included in 234 Biological Opinions to reduce impacts to desert tortoise, as detailed in the Draft EIS/EIR pages 4.7-31 through 33 and in Appendix G. The four core conditions that provided the most protection for desert tortoise are tortoise awareness

g 7. The Draft EIS/EIR recognizes an impact to the tortoise population, and specifies acceptable levels of "taking", suggesting that if the "take" (kill) of tortoises is too high, that the Federal Government should have authority to order cessation of dump operations. This recommendation is wholly unrealistic and impractical. It begs credibility to believe that, once in operation, a dump accepting the garbage from millions of people would ever be shut down, regardless of its impact on tortoises.

h 8. The Draft EIS/EIR recognizes impact to tortoise due to raven predation. The Draft EIS/EIR, however, fails to recognize that the presence of the increased human population at the repopulated Townsite will vastly increase the raven population regardless of mitigation efforts taken by the operators of the Landfill.

programs, defined work zones, onsite monitors, and tortoise proof fences. Thus awareness programs have been shown to significantly contribute to reduced impacts on tortoises.

(g) Additionally, results from this evaluation indicate that for the projects covered by these Biological Opinions, tortoise mortality ("take") was only 5.4 percent of what was allowable by the USFWS in the Biological Opinions. Even if tortoise mortality had been 100 percent of that allowable by the US Fish and Wildlife Service, that level of mortality would not be considered by that agency to jeopardize the tortoise. With these mitigation measures (and others identified for the Project in place), the likelihood that take would exceed allowable take as specified in the Biological Opinion is very low. Provisions for reporting to and consultation with the USFWS, should tortoise mortality exceed expectations, would result in reevaluation of actions to protect tortoises at the project. In the unlikely event that these actions do not sufficiently reduce take, landfill activities could be curtailed by the USFWS.

(h) The Draft EIS/EIR contains measures for controlling household trash in the Townsite, including educational programs, restrictions on trash disposal, control of domestic animals, and regular patrols. Also see General Response 6.

D. Windblown Debris and Dust

3 The Draft EIS/EIR mitigation measures with respect to windblown debris and dust are wholly unrealistic. The mitigation measure proposed to limit operations under windy conditions is ridiculous given that, as shown in the Draft EIS/EIR, it is frequently very windy at the Project site. This wind blows directly into the Pinto Basin Wilderness 80% of the time. Given that the dump will be taking garbage from millions of people every day, it begs credibility to believe operations would ever be limited in any way. The other proposed mitigation measure, a "litter patrol", is also vague and wholly unrealistic. The effects of these windblown trash and debris on the Pinto Basin Wilderness will necessarily be a significant increase in the raven population with a correspondingly increased and unmitigated impact to the Basin's Desert Tortoise population.

C. Impact To California's Leaf-Nosed Bat Population

4 The Draft EIS/EIR fails to provide any plan to mitigate the project's negative impacts on California's population of leaf-nosed bats. The project would result in the destruction of one of only ten sites in Southern California where this bat winters.

Response to Comment 34-3

The Draft EIS/EIR includes mitigation measures intended to reduce impacts to bats currently using the Kaiser adit on page 4.7-29. See also Response to Comment 8-10 and General Response 6. Existing mitigation for impacts to bats identified in Section 4.7 of the Draft EIS/EIR (which includes (1) extending the Eagle Mountain adit, (2) limiting access to the adit, and (3) using Environmental Mitigation Trust funds to monitor summer and winter populations, identify and permanently protect suitable roosting and/or maternity habitat, and to establish any further measures that may be required by future monitoring) has been changed in the Final EIS/EIR. Mitigation identified in the Final EIS/EIR does not include extension of the Eagle Mountain adit, because the CDFG's current information based on accumulating data from other projects indicates that this measure will be unsuccessful. Mitigation recommended by the CDFG and by Brown (1996), which was provided following the release of the Draft EIS/EIR, has been added to the Final EIS/EIR. This mitigation includes immediate opening of the Black Eagle Mine adit as a potential alternative winter roost site for California leaf-nosed bat. Opening the Black Eagle Mine adit will include gating the opening with a CDFG-approved "bat gate" and monitoring by a CDFG-approved biologist. Additionally, if monitoring results reveal that bats are abandoning the Kaiser adit and not recognizing the Black Eagle adit, a new adit will be constructed in coordination with CDFG to accommodate bat roosting needs. The Final EIS/EIR also states that these mitigation measures are those recommended by CDFG and Brown (1996) as most likely to be effective, but that the potential exists that sufficient winter roosting habitat will not be provided by these mitigation measures; thus the finding of a potential significant impact, as discussed in the Draft EIS/EIR, will not be changed.

Response to Comment 34-4

See General Responses 3 and 6. In addition, the measures described in Section 4.10.3, Windblown Debris, of the Draft EIS/EIR, are in excess of those required by the federal regulation. The measures include actions that address the NPS's "zero-tolerance" policy for windblown debris and include joint evaluation by the Project applicant, the BLM, and the NPS. Mitigation

E. Impacts Due to Increased Air Pollution

The Draft EIS/EIR fails to properly and fully discuss the impacts of the significantly increased levels of air pollution on the flora and fauna of the Pinto Basin Wilderness of
5 Joshua Tree National Park. This increased level of pollution is bound to impact the Pinto Basin Wilderness as the prevailing winds blow into the Park Wilderness 80% of the time. The Pinto Basin is the most intact Mojave Desert basin ecosystem in California, and is located in a Class I Wilderness Airshed. The effects of degraded air quality on the flora and fauna of the region are ignored by the Draft EIS/EIR.

measures to control windblown debris take into account high wind conditions experienced in the Project area.

Response to Comment 34-5

The Draft EIS/EIR contains a comprehensive description and analysis of the impacts from the proposed Project on vegetation (Appendix E, Part 6). The discussion includes an analysis of the impact of acid deposition, ozone, oxides of nitrogen, and sulfur dioxide on vegetation. JTNP has experienced nitrate deposition, but the deposition is most likely from sources in and around the Los Angeles Basin. However, whether there are currently any effects of acid deposition in the area of the proposed Project or the JTNP is a question that remains largely unanswered. The analysis in the Draft EIS/EIR concludes that ozone is a regional transport problem that already exists and that ozone damage has occurred in the San Bernardino National Forest. Increases caused by the Project, however, will not be a significant contributor to this transport problem because there is not sufficient time for ozone precursors associated with the proposed Project to significantly affect ozone concentrations in the vicinity of JTNP. In addition, oxides of nitrogen (NO_x) emissions from the proposed Project will result in ambient NO_2 levels far below the identified threshold levels for plant damage (see Section 4.4). Regarding sulfur dioxide, concentrations in the Southeast Desert Air Basin are significantly below the thresholds identified for desert species and the proposed Project will not add significantly to these concentrations.

Conclusions

a In summary, Desert Survivors has concluded that the Draft EIS/EIR ignores significant environmental impacts to Joshua Tree National Park wilderness and fails to adequately plan to mitigate many of the impacts it does recognize.

6 b The Draft EIS/EIR is therefore unacceptable for the basis for moving forward with the proposed Eagle Mountain Landfill. The "No Project Alternative" is the only alternative supported by the Draft EIS/EIR.

c Desert Survivors also requests that the BLM schedule additional public hearings in that the delayed release of the Draft EIS/EIR and restricted availability of the technical appendices has prevented us from effective and full participation in the public comment and oversight process, as required by the National Environmental Policy Act and the California Environmental Quality Act.

Sincerely,

David W. Halligan

David W. Halligan
Desert Survivors
Chair, Eagle Mountain Task Force

cc: Steve Tabor, President, Desert Survivors
Superintendent, Joshua Tree National Park

Response to Comment 34-6

(a) The comment that the Draft EIS/EIR "ignores significant environmental impacts to JTNP" is unsupported. The EIS/EIR is a comprehensive document that discloses environmental impacts associated with the proposed Project. See General Response 3.

(b) The commenter's preference for the No Action Alternative is noted.

(c) See Response to Comments 17-21 and 195-28.

COMMENT LETTER 35

DESERT ENVIRONMENTAL RESPONSE TEAM

RECEIVED
BUREAU OF LAND MANAGEMENT
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RIVERSIDE, CA

September 17, 1996

Eagle Mountain Landfill
and Recycling Center Project
Bureau of Land Management
6221 Box Springs Boulevard
Riverside, CA 92507

Re; Eagle Mountain EIR/EIS 1996

Dear Sirs,

a 1 The Eagle Mountain Landfill Project is a wrongful land use of the California Desert, not in the General Plan of Riverside County, and a major endangerment to our Joshua Tree National Park.

b The Eagle Mountain Landfill Project is a bad answer to a fabricated need. The BLM views regional landfills as an economic and environmental answer, but the question of scale and responsibility have not been addressed. San Bernardino County regional landfills are owned and responsible to the public and their scale is 150 times smaller than the Eagle Moutain Landfill.

The pretense of reclaiming the iron ore pits is not backed by the fact that only 15% of the lanfill's footprint is using an iron ore pit. Therefore, dismissing the 'landfill mining' option for Riverside County's landfill space requirements as not reclaiming iron ore pits is 85% wrong. In fact, landfill mining might be the most cost effective groundwater mitigation for Riverside County's own unlined landfills. Avoidance of groundwater 2 pollution and remediation cost's should be included in the landfill mining feasibility studies. Landfill mining is a far more practical answer to Riverside County's needs for the next one hundred years than the Eagle Mountain Monstosity.

a Hauling garbage one hundred, two hundred, three hundred miles from seven counties as routine doesn't strike one as being very energy efficient. The cost factor for 3 hauling this garbage being dependant on the fossil fuel market for the next hundred years alone is a grand economic risk. Since MRC sees this as the answer for the next hundred years, does this mean in the next five hundred years our desert will have ten "World Class Mega-Dumps"? This insanity will only stop when we run out of forests b and oil. When are alternative methods of handling waste going to be implemented?

Possibly one hundred and one years from now? Waste handling and science are in a time of change. From the time of this Draft EIR release to now, September 17, life has been discovered in space and a third basic form ("archaea" microbes, yes they can eat toxic waste) has been found on earth. Yet, MRC says "For the next hundred years, this is the way we're going to do it."

MRC, Kaiser Ventures Inc., and Kaiser have had enough trouble with decades, let alone centuries. The last two decades Kaiser has shown a major lack of ethics, money, and commitment to agreements. They also lack shame, presenting you witnesses in "white hats" as to their regards for a more sacred business relationship than the one the county is considering with MRC. It's former partner, BFI, went walking, leaving millions upon millions of dollars, in an expensive vote of no confidence.

Response to Comment 35-1

(a) The proposed Project will, in part, reclaim desert land that previously has been disturbed through historic mining activities, provide a mechanism to consolidate valuable desert habitat under BLM control and protection, and contribute significant funds (under the Environmental Mitigation Trust) to provide additional protection to the California Desert. Also see General Responses 3, 6, and 7.

(b) With regard to the issue of landfill need, the commenter is referred to EIS/EIR Section 1.3. The proposed Project will provide a significant economy of scale to municipal solid waste disposal. Operation of the landfill will be closely monitored and regulated by several local, state, regional, and federal statutes. The applications now before the County of Riverside include application for a Specific Plan (land use approval). Also see General Response 1.

Response to Comment 35-2

In reference to the land to be used for waste disposal the Draft EIS/EIR discusses this topic in detail in Section 2.0, Description of the Proposed Action and Alternatives. The land area that will be used for landfilling comprises 2,164 acres which is approximately half of the 4,654 acres of the entire Project site. Landfill mining as an alternative to the Proposed Action is discussed in detail in Section 2.8.4 of the EIS/EIR. Also see Response to Comment 195-29 and 20-47.

Response to Comment 35-3

(a) As with the long-distance shipment of any commodity, there is an economy of scale benefit to be derived from the use of large transport carriers (trains) vs. smaller carriers (trucks). For example, over a 300-mile round-trip, a 22-ton waste capacity transport truck trailer would be expected to consume approximately 0.008 gallons of diesel fuel per ton-mile. In contrast, a 3,500-ton capacity unit train over the same distance would be expected to consume approximately 0.006 gallons of diesel fuel per ton-mile.

(b) In reference to the long-term viability of the applicant, see Response to Comment 16-56. In reference to stabilization of canyon slopes, see

Section 3.9 and 4.9 of the Draft EIS/EIR. Alternative waste disposal technologies are discussed in Section 2.8. The status of BFI in the Project development is presented in Section 1.0, Introduction, of the Draft EIS/EIR.

MRC and their business wizards are now telling us (again?) they know how to build the world's largest dump in unstablized canyons next to one of our sensitive national treasures, Joshua Tree National Park. Oh, and they tell the public "everything's mitigated".

4 Burning 14,000 gallons (mostly diesel fuel) a day, exceeding PM10 emissions at the dumpsite, one hundred trucks (20 ton), and five trains from wherever, a day produce a large amount of air pollution.

5 Designing a landfill that is downstream of two canyon drainages for the next four or five million years, to flooding standards for the next one hundred years appears short-sighted, especially with the risk of millions of gallons of leachate being produced for the Chuckwalla Aquifer and endangered downstream habitats.

6 We have no doubt that the unproven liner system will leak. The chemical and mechanical weakness of the plastic liners subjected to unknown leachate agents and unable to withstand liner deformation between unstablized canyon beds and sides and the mega-dump stress loads of 400 feet of compressed garbage(What is the figured weight per cubic foot? Bolo-Rail-Cycle used the light and airy 27 lbs per cubic foot).We're happy to know that what leachate doesn't get into the groundwater will be able to be pumped up for collection until the collection pipes clog due to sediment and biologic growths in a couple of decades. When one builds a Mega-Dump, one gets Mega-problems.

Response to Comment 35-4

Comment noted. The Draft EIS/EIR contains a detailed analysis of the air pollution associated with trucks and trains hauling waste to the Project site. The analysis shows that the maximum impact for the proposed Project, which includes the impacts from trains, trucks, landfill equipment, landfill gas flares, as well as fugitive dust, will be below the California and federal standards for PM_{10}.

Response to Comment 35-5

Surface water control facilities will be constructed around the Eagle Mountain Landfill to minimize contact with waste and to control erosion. Control features such as detention basins, berms, channels, ditches, downchutes, and benches will be used to direct and convey surface water run on around the active portions of the landfill. These features are discussed in Appendix F, Updated Hydrology Report, in the Draft EIS/EIR.

The surface water control facilities have been designed according to the more stringent of CCR, Title 23, Chapter 15 standards or Riverside County Flood Control District standards. The most severe precipitation from the 100-year, 1-hour, 3-hour, 6-hour, or 24-hour storms was used to size the drainage facilities. Drainage facilities ere also designed to have sufficient freeboard for the 500-year, 3-hour storm event. The design of the landfill's surface water control system is discussed in Section 6.7 of the ROWD (GeoSyntec, 1992).

The "100-year storm" terminology is used to reflect an estimate of a storm that will only be exceeded once in 100 years. This is a conservative approach and is required by CCR, Title 23, Chapter 15. Use of the 500-year, 3-hour storm to establish freeboard requirements is also conservative.

Response to Comment 35-6

With respect to the combined effects of chemical and mechanical stresses on the HDPE geomembrane liner, the liner system design presented in the Draft EIS/EIR considers these potential effects. The Draft EIS/EIR states, in Section 4.1.2.1, that the service life of an HDPE geomembrane in a properly designed and constructed municipal solid waste landfill is expected to exceed the time period in which leachate and gas would be produced. Moreover, the

7 | And what about the light pollution from running the dump 24 hours, MRC says no significant increase due to "their" prison blazing away 24 hours a day. That brings up

landfill design does not rely solely on the integrity of the HDPE geomembrane to provide long-term protection of the groundwater. This integrity is just one factor that affects the long-term effectiveness of the landfill containment systems. Other major factors include the arid site conditions (which will result in negligible long-term leachate production), the design of the final cover system and its ability to be maintained, and the use of soil materials with negligible long-term degradation potential as a component of the composite liner systems. See also Response to Comments 20-32 and 21-13.

With respect to the effect of by stresses imposed on the liner system due to the weight of the landfill waste, the HDPE geomembranes in the liner system and the unsaturated zone monitoring layer have been designed to perform under the stresses that will be imposed by the waste mass. Extensive calculations of these stresses were performed during preparation of the ROWD. Specifically, calculations were performed for the slope stability analyses described in Section 8 of the ROWD. Appendix K of the ROWD provides extensive information on the stresses that will occur at the bottom of the landfill.

The stresses generated by the weight of the landfill waste were fully accounted for in the landfill design. One example of this fact is that, as described in Section 2.1.5.1 of the Draft EIS/EIR, a geotextile cushion layer will be placed over the HDPE geomembrane component of the liner system in all areas of the landfill to protect the geomembrane from the materials in the overlying leachate collection and removal system. Another example is that interface strength tests of the liner system components were performed at normal stresses up to 40,000 lb/ft^2. This normal stress corresponds to a depth of waste and daily cover of approximately 600 feet In reference to clogging, please see Responses to Comment 195-20(c) and 20-35.

Response to Comment 35-7

As discussed in Section 2.1.7 of the Draft EIS/EIR, landfilling will occur 6 days per week, up to 16 hours each day. Waste could be transported to the facility 24 hours per day 7 days per week. Portions of the site that will require lighting include the site entrance, primary railyard, vehicular weight station, local waste receiving center, and truck marshaling yard. Additional analysis for night lighting was conducted for the Final EIS/EIR and the results of the analysis are

8 | another point. Whose land is this anyway? Kaiser was supposed to return their mining claim to the public when they were finished mining. They were finished mining in 1983

summarized in General Response 3 and presented in Appendix W. RC does not own or have any interests in the community correctional facility. The facility is on land owned by Kaiser.

Response to Comment 35-8

The status of the Kaiser lands and the lands for which Kaiser has valid mining claims are discussed in Sections 1.2.4 and 2.1.1. In 1983, Kaiser ceased full-time, active mining of iron ore from the Eagle Mountain mines. Since that time Kaiser has continued to perform annual assessment work and, more recently, to pay the annual mining claim rental fees to the BLM on approximately 1,700 acres within the proposed specific plan areas of the Project and maintain the mining claims and rights-of-way. As part of the land exchange, Kaiser would obtain title to the necessary lands on which Kaiser has an unpatented claim. BLM would also remove, by means of the exchange, the reverter on the 465-acre parcel granted to Kaiser in 1955. Also see General Response 4.

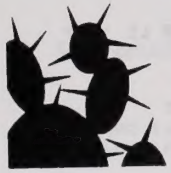
according to the laws that gave them the claim to begin .This subject should be investigated by the BLM on the public's behalf.

Besides Kaiser Ventures Inc. having land that might not be theirs, they seem to have made a deal with the California Pollution Control Financing Authority to obtain a loan(tax free, low interest revenue bonds). This arrangement should be investigted as to
9 how they qualified for this $200,000,000 loan. Did they do this before or after BFI withdrew? This money could be better spent by the state of California on more stable businesses with real pollution contol needs. This is taxpayers money being used to create a huge liability for Riverside County with the borrower having very little at stake, except maybe their reputation.

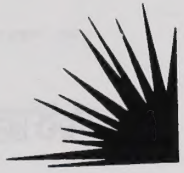
Comments in regards to the impact of this Mega-Dump on our National Park we will leave to the NPS, they're experts in this field and should be regarded as such by BLM, by Riverside County Planning Commission, and bythe County Board of Supervisors.
10 Speaking of experts, there are two excellent jojoba farmers that have become in all manners of the term, experts in their field. They also have much to say about the Eagle Mountain Landfill Project, we hope the proper people listen to them.

Many members of DERT are also experts in their field, in regards to Mega-Dumps, we're getting there. We do know enough to tell when a project stinks. This project stinks. Just say No. Do not transfer the land. Thank You

David R. Fick, Executive Director



P.O. Bx 1078 JOSHUA TREE , CA 92252



Response to Comment 35-9

See Response to Comment 16-42.

Response to Comment 35-10

As a Cooperating Agency under NEPA for this EIS/EIR, the NPS and JTNP staff have been consulted during the preparation of the Draft and Final EIS/EIR, including review of the significance standards, the Administrative Draft, and the Draft EIS/EIR. In addition, NPS has negotiated an agreement with the Project applicant, MRC, to address NPS concerns related to JTNP resources. (See General Response 3 and Appendix T of the Final EIS/EIR). In reference to comments about the local jojoba farmers, it is assumed that the commenter is referring to the Charpieds, whose comments are addressed in Comment Letters 15 (Public Hearing, August 5, 1996); 16 (Public Hearing, August 6, 1996); 17 (Public Hearing, August 7, 1996); 18 (Public Hearing, August 8, 1996); 20 (Sierra Club, San Gorgonio Chapter, July 23, 1996, Donna Charpied, Eagle Mountain Coordinator); 21 (Sierra Club, San Gorgonio Chapter, September 17, 1996, Donna Charpied, Eagle Mountain Coordinator); 31 (Citizens for the Chuckwalla Valley, Larry Charpied, Chairman, September 2, 1996 and September 3, 1996); 195 (Larry and Donna Charpied).

COMMENT LETTER 36

Sep. 17 1996

JERRY SMITH
CITIZENS FOR JUSTICE
POB 935
TWENTYNINE PALMS, CA 92277-0935
619 367 6931

Eagle Mountain Landfill
and Recycling Center Project
Bureau of Land Management
6221 Box Springs Boulevard
Riverside, California 92507

Purpose: Comments on Proposed Eagle Mountain landfill EIR/EIS Draft

Subject: Proposed Liner System (Sec. 2.1.5.1)

I find the whole of liner system discussion to be erroneous, misleading and incomplete and would appreciate your addressing my following reasons.

1 | 1. The Draft defines leachate as "Leachate is water that has infiltrated through and has come in contact with landfill waste." Okay. This may be good definition and if so, the Draft outrageously ignores the liquids generated by the landfill itself - garbage etc..

2 | 2. Sec. 2.1.5.1 refers to ROWD (GeoSyntec 1992-1993 as source of Liner information. I am at a critical disadvantage not having this information to evaluate.

3 | 3. It is stated in Sec. 2.1.5.2 that pumps will be placed in the sumps for pumping leachate, but there is no mention of pump maintenance.

Response to Comment 36-1

Section 4.1.2.1 (page 4.1-6) of the Draft EIS/EIR contains a subsection entitled *Moisture Content of Waste*, that addresses the moisture contained in landfilled material that could contribute to leachate production. Specifically the Draft EIS/EIR states in this subsection "The average moisture content of municipal refuse generated in Southern California is about 21 percent (Appendix C-5). The maximum moisture content, as stated in the waste discharge requirements...is 40 percent." It is also stated on page 4.1-7: "As a result of progressively more yard waste being composted, the average moisture content of the waste that would be landfilled at Eagle Mountain is estimated to decline to approximately 15 percent (Appendix C-5).

Response to Comment 36-2

Comment noted. The Report of Waste Discharge (GeoSyntec, 1992), and the associated Supplemental Volumes 1 and 2 (GeoSyntec 1993a, 1993b), are voluminous documents. These documents have been summarized in the EIS/EIR and copies of the ROWD were previously distributed to the following locations:

- BLM—Riverside office
- BLM—Palm Springs office
- Lake Tamarisk Library—Desert Center
- Palm Desert Library—Palm Desert
- Palm Springs Library—Palm Springs
- Indio Library—Indio
- County of Riverside Planning Department—Riverside
- County of Riverside Planning Department—Indio

Response to Comment 36-3

A dedicated pump will be placed in each leachate sump. The leachate management system has been designed to extract leachate from the leachate sumps and convey the leachate to storage tanks for proper disposal. The pumps will be lowered into sumps through side slope risers. The pumps can be raised and lowered into the sumps at any time using pull wires. This is a proven technique for pump maintenance that has been used at many landfills around the country. Also, for redundancy, the design includes two

4. Discussion on High Density Polyethylene is void with the exception of 80 mil thickness and the texture and is completely inadequate. There are no qualifications or specifications on the liner or geo membrane. The liner could be 1% or 100% polyethylene and neither would be acceptable.

5. Please identify "HPDE Liner" on page 2-28 as a typo or explain what a "HPDE Liner" is.

The following is a disscussion of why the liner proposed by MRC is not only a bad idea but a false mitigation ploy and I am looking forward to the issues being addressed.

side-slope risers to each landfill sump. The second riser would only need to be used in the unlikely event of a problem with the first riser. This is a voluntary redundancy added to the landfill design by Kaiser/MRC. The leachate management system is described in Section 2.1.5.5 of the Draft EIS/EIR and Section 6.6 of the ROWD (GeoSyntec, 1992). The operation of the leachate management system is described in Section 10 of the ROWD (GeoSyntec, 1992). See Response to Comment 36-2 for a listing of public locations where the ROWD is available for review. See Responses to Comments 195-20(c) and 20-35 for clogging.

Final design of the leachate sump pumps will be completed during construction-level design activities for each subphase that includes a sump. Pump operation and maintenance will be included in the facility operations plan after the pumps are specified and a specific manufacturer and model selected.

Response to Comment 36-4

Comment noted. High-density polyethylene (HDPE) is a thermoplastic polymer sheet that is commonly used for landfill base and cover liner systems. It is the preferred liner material for the vast majority of landfills constructed in the United States today. It is the material of choice due to its virtual impermeability, excellent durability characteristics, and seamability. HDPE geomembranes are resistant to attack by most chemicals, especially those typically found in nonhazardous, solid waste leachate.

Detailed specifications regarding the HDPE's required materials, raw materials, carbon block content, and shear and tensile strengths will be included in the construction specifications developed during construction-level design of each subphase. The construction specifications will also include requirements for transport, handling, storage, placement, and QA/QC of the HDPE.

Response to Comment 36-5

Comment noted. The abbreviation for high density polyethylene material was incorrectly noted as "HPDE" on page 2-28, Section 2.1.5.1 of the Draft EIS/EIR. The text has been revised to reflect the correct abbreviation of HDPE.

HDPE DEGRADES AND LOSSES ITS INTEGRITY OVER A PERIOD OF TIME.

HDPE is perfect for the garbage can because you know when the handle breaks off and the side splits open five or maybe even ten years down the line. This is not from rough use. That same garbage can was almost indestructible when it was new. that breakage and splitting is from normal degradation which will also happen with the liner at the proposed Eagle Mountain landfill.

FOUR SERIOUS LANDFILL DEGRADATION ISSUES

1) Mechanical
2) Chemical
3) Auto-oxidation
4) Bio-degradation

MECHANICAL:

8 1) A major problem with plastic storage tanks and liners at service stations, is that of vibrations created by traffic. Vibrations cause movement between the plastic and the media it is against (clay, sand or gravel) which results in holes worn
6 through. Heavy equipment and train traffic would be the contributors at the landfill.

2) Stress caused by stretching due to settling.

3) Stress from compression by the weight of the trash (estimated as 450 psi at depth of 400 ft. of compacted trash.

Response to Comment 36-6

The following paragraphs discuss the potential degradation mechanisms for the HDPE geomembrane identified in the comment. It should be kept in mind, however, that the landfill design does not rely solely on the integrity of the HDPE geomembrane to provide long-term protection of the groundwater. This integrity is just one factor that affects the long-term effectiveness of the landfill containment systems. Other major factors include the arid site conditions (which will result in negligible long-term leachate production), the design of the final cover system and its ability to be maintained, and the use of soil materials with negligible long-term degradation potential as a component of the composite liner systems. These issues are discussed in Section 4.1.2.1 and Appendix C-3 of the Draft EIS/EIR.

(a) With respect to mechanical degradation, the possibility that equipment vibrations could result in long-term damage to the HDPE geomembrane is negligible because after landfill closure any equipment operating on the landfill surface would be separated from the geomembrane by tens or hundreds of feet of waste and the landfill cover. This thickness of waste would result in equipment vibrations of negligible levels. In addition, there are no known or published cases where loss of HDPE geomembrane integrity has been attributed to equipment vibrations.

With respect to potential mechanical degradation due to stresses from foundation settlement, stresses induced by foundation settlement will be negligible due to the foundation design measures described below. It is noted that Section 2.1.6.2 of the Draft EIS/EIR includes a requirement that the liner system be constructed on a firm, stable subgrade, as required by California regulations. The design requires that the material present at the foundation elevation does not provide a firm, stable foundation, the material must be removed or stabilized as described in Sections 2.1.6.1 and 2.1.6.2 of the Draft EIS/EIR. To further provide for a firm, stable foundation, a foundation layer consisting of compacted soil or gravel with a minimum thickness of 1 foot will be placed directly beneath the unsaturated zone monitoring layer which underlies the liner system.

With respect to potential mechanical degradation due to stresses from the weight of the landfill waste, the liner system has been designed to perform

b CHEMICAL: There are 71 different chemicals that the liner manufacture claim will destroy the liner. The manufacture's testing was done under controlled conditions and for a short period of time. I understand the average temperature inside a land fill is 150 degrees F. due to biological activity. As a rule of thumb, chemical reaction rates double every 20 degrees increase, so we are talking about a 1600 % increase in chemical activity at temperatures from 70 degrees F.to 150 degrees F., plus a weakened condition of the plastic liner caused by the heat. We are also talking about forever, not just a few days.

c AUTO-OXIDATION: Hydrogen peroxides can be incorporated in the polymer during processing, either by addition as a catalyst or thermal break down or impurities. In short, the peroxides react with the polyethylene molecules forming new peroxides to react with other polyethylene molecules etc., splitting the molecular structure. Oxidation inhibitors are incorporated in the formulation to slow this process down. Manufacturing and fabrication practices become important items to consider.

BIO-DEGRADATION: Biodegradation has been reported for buried polyethylene using carbon 14 monitoring.

under the stresses that will be imposed by the waste mass. This issue is discussed further in the Response to Comment 17-4. It is noted that the value of applied liner stress of 450 psi, under 400 ft of compacted waste, cited by the commenter is unrealistically large because it reflects a waste unit weight of more than 4,000 lb/yd^3, more than twice the expected value of 1,650 lb/yd^3 given in Section 4.3 of the ROWD.

(b) With respect to chemical degradation of HDPE geomembranes, it is noted in Section 6.4.3.3 of the ROWD that HDPE has excellent resistance to attack by municipal solid waste leachate. More detailed discussion of this issue is provided in Appendix C-3 of the Draft EIS/EIR. The excellent chemical resistance of HDPE is reflected in California landfill design regulations, which require that geomembranes be composed of HDPE. See also Response to Comment 20-32.

Chemical exposure test results reported by HDPE manufacturers should be evaluated for their relevance to the Eagle Mountain landfill liner system, particularly with respect to the exposure chemical types and concentrations. Such an evaluation cannot be made here because details of the exposure testing mentioned by the commenter have not been provided. In general, however, it is likely that chemical exposure test results cited by the commenter were performed on raw polymer materials using chemicals that are not expected to be found in MSW leachate at significant concentrations.

In any case, it is noted that material specifications and Construction Quality Assurance (CQA) plans for the geomembrane will be prepared for each landfill subphase and submitted to the RWQCB for review and approval, as described in Section 2.1.6.1 of the Draft EIS/EIR. The specifications and CQA plan will require that quantitative physical tests be performed to demonstrate that the geomembrane meets durability and performance standards consistent with the project requirements. This process should ensure that HDPE geomembrane products with appropriate chemical resistance are used in the liner system.

(c) With respect to the potential for degradation to HDPE geomembrane by hydrogen peroxides added during manufacturing or by biodegradation, it is noted that (1) hydrogen peroxide is not used in the manufacture of HDPE geomembranes; and (2) as described by Koerner (1995), HDPE

geomembranes are not degraded by bacteria, fungi, or other micro-organisms.

THE LINER SYSTEM AND PLASTIC COVER ARE FALSE SAFETY NETS AND WILL ABSOLUTELY DEGRADE AND FAIL OVER A PERIOD OF TIME.

There are three threats the liner system is supposed to address.

7 1) The dump getting into the aquifer.

8 2) The aquifer getting into the dump which is the more serious threat.

9 3) Chlorinated hydrocarbons which is the most serious threat.

If the aquifer gets into the dump, not only is the aquifer polluted, but the dump starts cooking generating more pollution and also heat.

Chlorinated Hydrocarbons (house hold cleaning agents, insecticides and etc.) break up and go into a heavy gas phase due to the biological heat build up (150 degrees) and high pressure (up to 450 psi). The heavy gas sinks to the bottom and through the liner pin holes. These heavy gasses have no regard for clay and permeate right through. When the gasses cool upon entering the aquifer they condense and play all kinds of games (Consider dioxins and pcbs). This is a real problem in most landfills today including San Bernardino landfills.

Several manufactures make HDPE polymer and each make several different grades, (Dow Plastics make 21). And then, in fabricating the liner, fabricators formulate one of the several different raw polymers with fillers, binders, retardants, inhibitors, and etc. You could end up with thousands of different grades of liners, all called HDPE, with different properties based on economics - meaning cheap - and performance. I have seen no quality standards pertaining to liners.

10 It is also very common for land fill liners to be torn during land fill operations. There is absolutely no monitoring device that would warn of a non visible tear. Laidlaw toxic waste dump in South Carolina has been plagued with tears - eight within just a few months time.

Response to Comment 36-7

This Comment is addressed in the response provided above for Comment 36-6.

Response to Comment 36-8

This Comment is addressed in the response provided above for Comment 36-6. Furthermore, the bottom of the landfill will be well above the elevation of the groundwater table. Therefore, it is not possible for groundwater to permeate the landfill.

Response to Comment 36-9

The Draft EIS/EIR indicates, in Section 4.2.2, that the potential for groundwater impacts due to chlorinated hydrocarbons and other hazardous wastes in the solid waste stream is below the level of significance. The section indicates that such materials are expected to constitute a small percentage of the waste stream, with a worst-case estimate of the percentage being 0.2 to 0.6 percent by weight. The section also discusses mitigation measures incorporated into the Project design that limit the potential for groundwater impacts. The mitigation measures include both offsite and onsite waste stream sorting processes and design, construction, and operation features of the landfill. For example, the design of the liner system exceeds the requirements for municipal solid waste landfills and is typical of that of a hazardous waste landfill.

It is noted that leachate collected in modern landfills typically exhibits only part-per-billion (ppb) concentrations of a few, if any, chlorinated hydrocarbons. At these levels, there will be no impact on the liner system and negligible potential for groundwater contamination.

The Comment regarding quality standards for HDPE geomembrane liners is addressed in the response to the commenter's question regarding geomembrane material specifications (Response to Comment 36-6).

Response to Comment 36-10

The landfill design includes specific features to prevent damage to the geomembrane liner during construction and landfill operation activities.

I thank you for allowing me to comment and I would appreciate your addressing one more issue. I do not understand the name "Eagle Mountain Landfill and Recycling Center Project". 11 The Recycling Center is not listed in the table of contents, the glossary or the index. I think the project is blatantly if not criminally misnamed.

Yours with respect,

Jerry Smith

Specifically, in all areas of the landfill the geomembrane liner will be covered with a minimum thickness of 3 feet of controlled soil fill prior to waste placement. The placement of this controlled soil fill will be monitored according to a Construction Quality Assurance (CQA) plan. As indicated in Section 2.1.5.1 of the Draft EIS/EIR and Section 6.2.3 of the ROWD, the soil fill thickness will consist of the leachate collection and removal system's gravel layer and a protection layer. A thickness of 3 feet of controlled soil fill above the geomembrane liner is considered adequate to protect the geomembrane liner from potential damage during landfill operations.

Response to Comment 36-11

As discussed in Section 2.1.7.2, waste received at the proposed Project will be directed to a local waste receiving facility, where waste inspection and sorting activities will take place. Designated recyclables will be segregated, stored, and later shipped on to a larger recycling storage facility or market.

COMMENT LETTER 37

The Morongo Basin Militia & Yacht Club

RIVERSIDE, CA

Memorandum

TO		INIT	DATE
	DM		
	DSR		
	PA		
	ADMIN		
	RC&W		
1	P&RR		9/25
	L&M		
	AMs		

RETURN TO:

RESOLUTION 96-1

Whereas, the Constitution and the by-laws of the ***Morongo Basin Militia & Yacht Club*** allow this organization to support legislature and individuals that support protection of the environment, and,

Whereas, the superintendent of the Joshua Tree National Park has stated opposition to the Eagle Mountain Mega-Dump as planned, and,

Whereas, all municipal authority in the Town of Yucca Valley has failed to respond within the time limits set by the Department of the Interior, Bureau of Land Management on the revised EIS/EIR, and, 1

Whereas, not one person of the approximate fifty people attending the Black Rock public hearing supported the proposed Eagle Mountain Mega-Dump as planned, and,

Whereas, the admiralty has agreed that the will of the people within the community of Yucca Valley may not be heard,

Therefore, let it be resolved, that we the ***Morongo Basin Militia & Yacht Club*** do support the Joshua Tree National Park Superintendent, thereby issue this resolution. **Further,** that we oppose any such proposal now and in the future, as we see the Joshua Tree National Park as a resource of benefit to the people of the Morongo Basin.

Given by your authority invested in me, dated 16 September 1996

Ramon Mendoza
Admiral
Morongo Basin Militia & Yacht Club

58692 Los Coyotes Road Yucca Valley, CA 92284 Telephone (619) 228-2792

Response to Comment 37-1

Comment acknowledged.

COMMENT LETTER 38

Desert Citizens Against Pollution
3813 50th Street West * Rosamond, CA 93560
805-256-2102 * 805-256-0674 facsimile

Eagle Mountain Landfill and Recycling Center Project
Bureau of Land Management
6221 Box Springs Boulevard
Riverside, CA 92507

September 15, 1996

Desert Citizens Against Pollution submits the following comments on the Eagle Mountain Landfill proposal.

Project Description

Section 2.1

1 Under CEQA, the Eagle Mountain EIR must include a project description that is both accurate and consistent. The CEQA Guidelines define "Project" to mean "the whole of an action, which has a potential for resulting in a physical change in the environment, directly or ultimately." CEQA Guidelines § 15378 (a). Also, state courts have stressed that " Project" is given a broad interpretation in order to maximize protection of the environment. Therefore, the Eagle Mountain EIR's project description must describe the whole of the action (the project in all its complexities and parts) and that initial conception of the project must remain consistent throughout the EIR's analysis of the project's environmental impacts. The Eagle Mountain EIR, in its current form, does not satisfy these critical requirements.

Section 2.1.3:

2 The project description only provides a generic legal description of the action of a development agreement. It does not tell the public anything about this specific development agreement. Because the development agreement is part of the whole of the action it must be described and analyzed in the EIR. What are the components of the development agreement? What approvals are being "frozen" in place? What is the environmental impact of this so-called "freezing"? What are the development agreement's potential environmental impacts? When does the development agreement become effective? Are there any provisions in the development agreement which are not included in the other land use approvals? If so, describe them?

Section 2.1.4.2.

3 The EIR provides no information about the potential location of MRFs which would be used/needed for this particular landfill. Where will the MRFs for this landfill be located? Does the approval of this landfill impact the location of MRFs? Does the choice of a rail haul route needed for this particular landfill (as opposed to local landfilling) impact the location of the MRFs? Identify the communities most likely to be impacted. Please discuss the environmental consequences including impacts related to, among other things, air quality, hazardous materials, leachate control, air-born pathogens, noise, traffic, and odor. Likewise, the same information is missing for the transfer stations--i.e. location, link between location and this landfill proposal, and environmental impacts. CEQA requires that these impacts be disclosed and analyzed. Please do so

1

Response to Comment 38-1

The Project Description specifically describes the landfill's design, its construction, its operating procedures, its phasing, and its closure and post-closure activities. The Project Description also describes the proposed land exchange between BLM and Kaiser, the rights-of-way grants for the railroad and roads, and the Townsite. All these features comprise the Proposed Action. Moreover, the lead agencies are not aware of (and the comment has not identified) any specific inaccuracies or inconsistencies in the Project Description. Accordingly, the Project Description satisfies the CEQA requirements referenced in the comment and also meets the corresponding NEPA requirements.

Response to Comment 38-2

The Draft EIS/EIR contains a comprehensive discussion of the potential environmental effects of the Project. The proposed Development Agreement is a contractual agreement (one of the entitlements required for the Project), but the agreement will itself not cause or result in a physical change to the environment. As a result, there is no other or further environmental review to be undertaken as a consequence of the Development Agreement. The Development Agreement will be finalized during the Project review process, and presented to the public and the Board of Supervisors of Riverside County consideration of approval and adoption along with the other Project entitlements.

Response to Comment 38-3

See Response to Comment 28-3.

Section 2.1.4.3:

4 The project description states that the landfill will receive garbage from communities, and via rail routes all over Southern California, including San Diego County. However, the air quality impacts analysis does not analyze the air quality impacts of increased rail traffic in Orange, Ventura, San Diego and San Bernardino counties—all non-attainment counties. Also, the Traffic and Transportation section does not

5 analyze impacts of rail traffic from Ventura or San Diego counties. These impacts must be analyzed for the project description to remain consistent throughout the EIR. What are these impacts? Also, what

6 restrictions are in place to stop garbage from coming from areas other than southern California, such as northern and central California, or even from out of state? Are these restriction (if there are any) constutitional? What are the environmental impacts of receiving out-of-state garbage? Isn't it likely that during the life of the project now under review that out-of-state garbage will be delivered to the landfill? These impacts must be disclosed and analyzed.

Wildlife Impacts

Section 4.7.3.2:

7 The EIR states that the "The range of the species [the flat-tailed horned toad] overlaps with the Project area only at the southern terminus of the Eagle Mountain Railroad." However, conversations with local residents and hikers in the area clearly indicate the presence of this species near the project site. Moreover, I am told that a robust population with juveniles exists near the site. This species was proposed for listing on the Endangered Species Act in 1993, but no final action has been taken. Last week environmental groups and biologist Dale Turner filed suit to force the listing of this species. Turner has stated that the lizard has lost big chunks of habitat in Arizona and California due to human activity. According to the Fish and Wildlife Service, about 95% of the lizard's remaining habitat in California is threatened. The BLM and the county need to make a much more in depth analysis of this project's impact on this sensitive species since it clearly exists near, and possibly on, the site, and could be adversely affected by the proposed action.

Air Quality

Section 4.4.2.1:

a There is a large discrepancy between the air emissions reported in Table 4.4-3 by the applicant and

b estimated air emissions submitted as comments into the original air permit by Kurt Rieke of Ogden Projects, Inc for this project. Moreover, in the recent rule for new source performance standards EPA indicates that in an average year a landfill accepting 1500 tons of waste per day will emit 200 tons of non-

c methane organic compounds (NMOCs). Extrapolation from that data, Eagle Mountain should emit over

8 2600 tons of NMOC per year. The assumption used in the EIR is that 10% of this will escape into the atmosphere, yielding 260 tons per year of release of NMOCs from this landfill. EPA indicates that 25% of

d landfill gases escape into the atmosphere, please explain and analyze this discrepancy. I ask that you look closely at data that I am entering into the record (Appendix 1) and explain the differences in your calculations and reported emission figures in Table 4.4-3, and look at the declaration by Eugene Dougherty on the calculations he performed on the Morgantown Landfill in Pennsylvania. (Appendix 2)

Response to Comment 38-4

The comment is incorrect; the Draft EIS/EIR does include the emission impacts associated with the increased rail traffic in Orange, Ventura, San Diego, and San Bernardino Counties (Appendix E, Part 7 and Attachment A). The rail hauling emission impacts on Ventura and San Diego Counties are included in the rail haul impacts shown for the South Central Coast and San Diego Air Basins, respectively. The rail hauling impacts on Orange and San Bernardino Counties are included in the impacts shown for the South Coast and Southeast Desert Air Basins.

Response to Comment 38-5

Please refer to Response to Comments 30-8 and 30-55.

Response to Comment 38-6

The types and geographic sources of wastes accepted for disposal at the proposed landfill would be subject to the provisions of the Project's operating permits. There are no plans to accept non-Southern California wastes for disposal at the landfill.

Response to Comment 38-7

It is assumed that the Comment refers to flat-tailed horned lizard (*Phrynosoma mcallii*). During the field surveys conducted, both for the previous EIS/EIR and this EIS/EIR, professional biologists from RECON and Circle Mountain Biological Consultants were unable to find evidence of this species in the Project area. Additionally, BLM biologists concurred, in a letter dated January 23, 1996, that the species does not occur in the Project area. See also General Response 6.

Response to Comment 38-8

(a) The letter cited in the comment is a May 17, 1994 letter by Ogden Projects Incorporated (Ogden) to the SCAQMD commenting on the draft SCAQMD permit for the proposed Phase 1 landfill gas flare station for the Project. It should be noted that the SCAQMD, after consideration of all comments received on the draft permit (including the letter from Ogden), was in the process of issuing the final permit for the Phase 1 landfill gas flare

station when its issuance was delayed pending the recertification of the EIS/EIR. A detailed response to the comments made in Ogden's letter is included in a June 7, 1994 letter to Robert Kwong of the SCAQMD from McClintock/Weston, attorneys at law, on behalf of MRC. The emission levels shown in the Ogden's letter are higher than the levels shown in the Draft EIS/EIR for the proposed Project for the following reasons:

- Because the Ogden calculations use default values rather than site-specific factors to estimate landfill gas generation rates, the landfill gas generation values and corresponding landfill gas combustion emission levels shown in that letter are overestimated compared to the levels shown in the Draft EIS/EIR for the proposed Project. A detailed discussion of the approach used to estimate landfill gas generation rates for the proposed Project is included in the Draft EIS/EIR (Appendix E, Part 4.3.3), as well as in the Response to Comment 38-8(b).

- The Ogden calculations use default landfill gas flare emission factors rather than emission factors reflecting the use of new landfill gas flares equipped with emission control systems, such as urea injection for NO_x control and oxidation catalysts for CO and VOC control. Consequently, the Ogden calculations overestimate emissions compared to the levels shown in the Draft EIS/EIR for the proposed Project. A detailed discussion of the approach used to calculate landfill gas flare emissions is included in the Draft EIS/EIR (Appendix E, Attachment A). It should be noted that the Ogden letter was commenting on the draft SCAQMD permit for the Phase 1 flare station for the proposed Project. Initially, this flare station will not be equipped with urea injection or an oxidation catalyst. The emission calculations in the Draft EIS/EIR assume that once the landfill gas generation rate exceeds the capacity of the Phase 1 flare station, the existing and future flares will be equipped with additional emission control systems (i.e., urea injection/oxidation catalyst) or an energy recovery system will be installed that is equipped with emission control systems (selective catalytic reduction/oxidation catalyst).

- The Ogden calculations use a landfill gas collection efficiency ranging from 75 percent to 80 percent compared to the 90 percent landfill gas

collection efficiency used in the Draft EIS/EIR, which was based on SCAQMD requirements for landfill gas. Therefore, the Ogden calculations overestimate the fugitive landfill gas emission levels compared to the levels shown in the Draft EIS/EIR for the proposed Project. A detailed discussion of the landfill gas control system gas collection efficiency for the proposed Project is included in the Draft EIS/EIR (Appendix E, Part 4.3.3). See also Response to Comment 38-8(c).

(b) The municipal solid waste landfill New Source Performance Standard (NSPS) promulgated by the Environmental Protection Agency (EPA) contains regulatory default values for estimating landfill gas generation rates. EPA guidance indicates that these values are overly conservative in order to encompass a wide range of landfills and to encourage the use of site-specific data. The default values were developed for regulatory compliance purposes. Therefore, the default values assume much higher moisture and organic content than the waste stream that would be expected at the proposed Project. More representative site-specific values were used in the Draft EIS/EIR to estimate landfill gas emission rates. These estimates are based on actual gas generation rates at Riverside County landfills and thus take into consideration climate and the characteristics of the waste that is expected to be received by the proposed Project.

(c) It is assumed that the comment is referring to the EPA's AP-42 for landfill gas collection systems (AP-42, Section 2.4.4.2, 1/95). According to that document, typical landfill gas collection efficiencies for landfill gas control systems range from 60 percent to 85 percent, with an average of 75 percent. However, in this document, EPA goes on to say that if site-specific collection efficiencies are available, they should be used instead of the 75 percent value. As discussed in detail in the Draft EIS/EIR, because of the stringent requirements of the South Coast Air Quality Management District's Rule 1150.1, the proposed Project's landfill gas collection system will, at a minimum, be required to capture at least 90 percent of the gas generated (Appendix E, Part 4.3.3). A detailed analysis supporting this landfill gas collection efficiency is included in the Draft EIS/EIR (Appendix E, Attachment A).

a I see no mention of the dioxins and furans which will be produced by the flaring system, nor the health impacts that these carcinogenic and endocrine disrupting chemicals will have on nearby wildlife and
9 humans. These emissions should be quantified and analyzed. It is known that these chemicals are produced by landfill flaring systems (Appendix 3) and that health impacts of exposure to these chemicals
b are significant, causing immune-suppression, reproductive impairment, and cancer. There is wide variability in the efficiency and emissions of landfill flares (Appendix 4) and the type, manufacturer, and emissions for the particular flaring system being proposed for use on this project should be in the EIR.

2

(d) As discussed in the Draft EIS/EIR (Appendix E, Part 4.3.3), factors that affect landfill gas generation rates include the following:

- Composition of waste,
- Moisture content of waste,
- Age of refuse,
- Temperature of the landfill,
- pH and alkalinity of the landfill, and
- Quantity and quality of nutrients in waste

Many of the above factors will depend on the location of the landfill and the composition of the waste delivered to the landfill. Because the Morgantown landfill is located in Pennsylvania, it would be expected that several of the above factors would be significantly different than the factors used to estimate the landfill gas generation rate for the proposed Project. As discussed in the Draft EIS/EIR (Appendix E, Part 4.3.3), the landfill gas generation rate for the proposed Project was derived from empirical data collected from existing Southern California landfills. In addition, this landfill gas generation rate was verified using the EPA landfill gas generation model using waste characteristics derived from existing landfills in Riverside County.

Response to Comment 38-9

(a) The document cited by the commenter as justification that dioxins and furans emissions are produced by landfill gas flaring systems is a study of toxic emissions from landfill gas control systems in Germany. Since the toxic emissions associated with a landfill gas control system depend on several factors, including waste characteristics, landfill gas incineration temperatures, and landfill gas control system exhaust residence times at elevated temperatures, it cannot be concluded, based on a study of systems in Germany, that dioxin and furan emissions will be emitted by the proposed Project's landfill gas flares. As discussed in detail in the Draft EIS/EIR (Appendix E, Attachment C), the toxic emissions for the proposed Project's landfill gas flares are based on a California Air Resources Board study of 340 existing municipal solid waste landfills located in California. This study does not list dioxin or furan emissions for municipal solid waste landfill gas collection or control systems, nor were they found in a review of toxic air pollutant emissions for landfill gas flares in the EPA's "Compilation of Air

Pollutant Emission Factors," January 1995, and EPA's "Toxic Air Pollutant Emission Factors -A Compilation For Selected Air Toxic Compounds And Sources," October 1990. Furthermore, it is not expected that a detectable level of dioxin and/or furan emissions will be emitted by the proposed Project's landfill gas flares, based on the high combustion temperatures and retention times required by the South Coast Air Quality Management District (SCAQMD) Best Available Control Technology (BACT) requirements for landfill gas flares.

(b) The Draft EIS/EIR includes a detailed analysis of the emissions associated with landfill gas flares (Appendix E, Attachment A). As discussed in this section of the Draft EIS/EIR, the proposed Project's landfill gas flare emission factors and hydrocarbon control efficiency are based on a review of South Coast Air Quality Management District (SCAQMD) source test data for landfill gas flares, SCAQMD Best Available Control Technology (BACT) requirements for landfill gas flares, and data supplied by landfill gas flare vendors. As discussed in the Draft EIS/EIR (Appendix E, Part 4.3.3), the proposed Project's landfill gas combustion system will initially use flares. At some point during the life of the project, an energy recovery system, such as a gas turbine power plant or a landfill gas processing plant, may be substituted for the flares. For the initial landfill gas flare system, a number of manufacturers can supply a product meeting the Project's requirements and no single landfill gas flare supplier has been selected at this time. For the initial flare system, a ground-level enclosed landfill gas flare system will be used. This system will be required to meet the following SCAQMD BACT requirements:

- NO_x emissions controlled to less than 0.06 pounds per million BTU of heat input to the flare system;
- VOC emissions controlled with an exhaust retention time greater than 0.6 seconds at a temperature greater than 1,400 F, automatic combustion air control, and automatic gas shutoff value with automatic restart system; and
- Particulate emissions controlled by a fuel gas filter and knockout vessel.

10 Because of the large amounts of emissions from this facility and the proximity of people who are, or will be living at the townsite, a health risk assessment should be done focusing on risks to children, pregnant women, and people with immune suppression

11 Additionally, the impacts of dioxin and other endocrine disrupting chemicals from this proposed facility could have an adverse effects on the reproduction on nearby endangered and threatened species including the eagles which inhabit the area. I notice in Table 3.7-2 that the Bald Eagle is listed in the table as absent. However a creek onsite is named Bald Eagle Creek.(see map on page 3.6-2). Both Bald and Golden Eagles are protected by a special act of Congress which forbids take of these birds. Dioxin emissions from the landfill, released into the environment, will seek fatty tissue to bioaccumulate in and tend to become concentrated in species at the top of the food chain such as humans, mountain lions, and eagles. The impacts to these species from endocrine disrupting chemicals needs to analyzed fully

Section 4.4.2:

Prevention of Significant Deterioration:

a 12 b The EIR/S states that "the proposed Project would not trigger PSD review."(Page 4.4-10) I find this statement nonsensical when the total project emissions, with mitigation are reported to be 1,282 tpy for NO_x, 797 tpy for CO and 332 tpy for PM_{10}. All these exceed the 250 ton per year threshold. Clearly this project will trigger PSD and must comply with the new source performance standards for landfills and undergo Nonattainment New Source Review, impose MACT for emissions of HAPS, and obtain a Federal Operating Permit. Actual emissions from the Fresh Kills Landfill, the only other landfill in the country close to the proposed size of Eagle Mountain show that air emissions are considerably higher than reported in Table 4.4-3. (see Table 1, Appendix 5). It appears that they may be a serious underestimation of both the amounts of emissions from this landfill and the regulatory permits required. Please remedy these discrepancies in the final EIR/S.

Response to Comment 38-10

A detailed screening-level toxic air pollutant health risk assessment is included in the Draft EIS/EIR (Appendix E, Attachment C). As discussed in this section of the Draft EIS/EIR, the screening-level risk assessment is based on cancer unit risk values that were derived from studies performed by the Office of Environmental Health Hazard Assessment of Cal-EPA and the U.S. Environmental Protection Agency. These cancer unit risk values take into account available information on pharmacokinetics and mechanisms of carcinogenic action and represent the 95 percent upper confidence limits on cancer risk. Where data are available, these cancer unit risk values also include safety factors to account for exposure to sensitive individuals such as children. Therefore, within the limits of available data, the screening-level toxic air pollutant health risk assessment in the Draft EIS/EIR does account for cancer risks to sensitive individuals.

Response to Comment 38-11

Bald Eagles are absent at the Project site. No Bald Eagles were found at or near the Project during all the biological surveys conducted for this, EIS/EIR or previous EIS/EIR. There is little or no possibility of dioxin contamination affecting this or other wildlife species. See General Response 6. Although a creek in the vicinity of the Project is called Bald Eagle Creek, this does not indicate that the species is present.

Response to Comment 38-12

(a) The comment appears to be confusing total Project emissions, which include emissions for both onsite and offsite mobile and stationary emission sources, with the emissions associated with a specific group of onsite stationary equipment used to determine applicability with the federal Prevention of Significant Deterioration (PSD) regulation. As discussed in detail in the Draft EIS/EIR (Appendix E, Part 4.5), the proposed Project with and without mitigation will not trigger PSD review because the total emissions for onsite stationary emission sources will not exceed the 250 ton/yr PSD threshold level. This conclusion was confirmed in April 22, 1992 and November 26, 1993 letters from the Environmental Protection Agency (EPA). The SCAQMD permits for the landfill gas flares will include federally enforceable operating and emission limits that will ensure that emissions

Section 2.1.5.1 Composite Liner System:

a The EIR/S does not quantify how much household hazardous waste or illegally disposed of hazardous waste will find its way into the proposed project. In the Mesquite Regional Landfill EIR/S prepared, in part by BLM, it was estimated that .05% of the waste stream would be hazardous waste. The co-disposal of thousands of tons of hazardous waste over the landfills lifetime will change the air emissions and thus needs to be quantified. The liners systems being relied upon to protect groundwater systems from contamination will be degraded by hazardous wastes and other constituents found in the waste stream. (See Appendix 6). The liners are subject to torsional shearing forces created by the differential placement of the wastes, the settling of the waste, and earth movements, all which can compromise liner integrity and cause leakage (See Appendix 7). As well, gas can easily find its way through the liner system and into the groundwater, and may be one of the primary forms of groundwater contamination at landfills in and regions (see Appendix 8).

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c

d

remain below the PSD applicability threshold level of 250 tons/yr. A detailed discussion of the proposed Project's consistency with New Source Performance Standards, New Source Review, Clean Air Act Title III Maximum Achievable Control Technology (MACT) requirements, and the federal operating permits program is also included in this section of the Draft EIS/EIR.

(b) As discussed in the Response to Comment 8-4, there are several site-specific factors that significantly affect the amount of landfill gas generated at a landfill. Due to the low moisture content of the waste and continuing recycling efforts in Southern California, it is expected that the landfill gas generation rate at the proposed Project would be significantly lower than the levels found at the Fresh Kills Landfill, which is located in New York City. In addition, older landfill gas flare systems have significantly higher emission levels than the newer models proposed for the proposed Project. Aside from landfill gas related emissions, the emissions associated with landfill equipment are also dependent on site-specific factors such as project configuration, equipment activity levels, equipment make and model, and emission control techniques being used. Due to the advanced low-emission diesel landfill equipment and other mitigation measures being proposed for the proposed Project, it is reasonable to expect the emissions from the proposed Project to be well below the levels shown for the Fresh Kills Landfill, which has been in operation since 1948. A detailed discussion of the emission and control factors used to calculate emissions for the proposed Project is included in the Draft EIS/EIR (Appendix E, Attachment A).

Response to Comment 38-13

(a) The source of the comment's estimates is unclear. As discussed in Section 4.2.2 of the EIS/EIR, a "worst-case" level of hazardous waste in the municipal waste stream, based on historic surveys at existing landfills, ranges from 0.2 to 0.6 percent by weight. These surveys were conducted for waste streams that were not prescreened and not subject to recycling prior to landfilling, as required under Assembly Bill (AB) 2702 and AB 939. Information from the California Integrated Waste Management Board, as well as from operating experience at existing landfills, indicates that the volume of hazardous wastes in the waste stream going to landfills is small and effectively isolated by the much larger mass on nonhazardous solid waste.

14 When liners are laid down they leak. a 1989 study located 542 leaks with an average areal density of 26 leaks/ha. Of leaks detected, 82% were in the seams and 18% were in the parent material. (Appendix 9) I see no discussion in the EIR/S of liners failure modes, leakage rates or any possible mitigations that could be adopted to prevent this. It is known that elevated temperatures increase the degradation of HDPE liners and cause the liner to become brittle, making it sensitive to ground movements, subsidence, and differential loading. (Appendix 10) As well, high temperatures can dry out and crack clay liners. Appendix 5, page 109) Elevated temperatures are bound to occur under the tremendous pressures and heat of the unique climate at Eagle Mountain

(b) The amount of potentially hazardous waste that will escape detection and extraction from the waste stream, as a result of the various waste inspection and interdiction steps, and end up in the landfill is expected to quite small and effectively isolated by the nonhazardous waste mass. Consequently, there is no apparent reason to conduct additional air emission quantifications.

(c) Please refer to General Response 5.

(d) Please refer to General Response 5.

Response to Comment 38-14

Much of this Comment focuses on the geomembrane in the liner system and does not consider that the design includes a composite liner system consisting of an HDPE geomembrane and an underlying 2-foot-thick, compacted, low-permeability soil layer. The design of the composite liner system is presented in Section 2.1.5.1 of the Draft EIS/EIR. Studies indicating that geomembrane liners installed as the sole component of a liner system may leak at the time of installation are not applicable to composite liner systems. This issue is discussed further in the Response to Comment 20-36.

The potential for liner failure (leakage) is discussed in Section 4.1.2.1 and Appendix C-3 of the Draft EIS/EIR. Leakage potential is minimized by the composite liner design because the individual components of the composite liner, i.e., the geomembrane and the low-permeability soil layer, have complementary physical and hydraulic properties. These complementary properties result in a composite geomembrane and low-permeability soil liner which has a leakage potential hundreds of times smaller than that of a geomembrane alone. Studies cited in Section 4.1.2.1 of the Draft EIS/EIR indicate that collection efficiencies of composite liner systems may be greater than 99.9 percent.

Leakage potential is then further reduced by the installation of a second composite liner below the unsaturated zone monitoring layer. In addition, a third composite liner will be installed under the leachate collection and removal system sumps, which are the low points to which any leachate will flow. It is also relevant to review the position of the U.S. Environmental Protection Agency with respect to composite liners. In Section IV.D of the

preamble to the "Subtitle D" municipal solid waste liner system regulations (56 FR 51009), the agency provided the following position on the basic "Subtitle D" composite liner system, which is one component of the Eagle Mountain Landfill design: "The composite liner system is designed to be protective in all locations, including poor locations."

With respect to the effect of elevated temperatures on the durability of HDPE geomembranes, it is noted that Section 4.1.2.1 of the Draft EIS/EIR indicates that studies have concluded that the service life of an HDPE geomembrane in a properly designed and constructed municipal solid waste landfill is expected to exceed the time period in which leachate and gas would be produced. The conditions considered in the cited studies include the elevated temperatures expected at the bottom of municipal solid waste landfills. It is noted that recent results from temperature monitoring of a geomembrane liner in a modern municipal solid waste landfill indicate that although elevated temperatures (i.e., greater than 120 degrees Fahrenheit) occur within the waste mass, temperatures at the geomembrane liner (i.e., below the waste mass) could be substantially lower (Yazdani et al.; 1995, detailed reference given below). In the cited case, geomembrane temperatures stabilized at approximately 70 degrees F shortly after waste placement was initiated.

With respect to the effect of elevated temperatures on the low-permeability soil liner, the potential for desiccation cracking of the soil liner on the base of the landfill is addressed in the ROWD. In particular, Section 6.4.5.3 of the ROWD discusses the measures that may be employed to prevent desiccation cracking and points out that construction quality assurance (CQA) plans will contain detailed requirements to prevent drying of the clay liner. It is noted that the soil liner will be underlain by the Unsaturated Zone Monitoring System which will also contain a HDPE geomembrane. This configuration will effectively encapsulate the soil liner between HDPE geomembranes and will substantially limit the potential for post-construction changes in the moisture content of the soil liner. An additional consideration is that a geosynthetic clay liner (GCL) will be used in lieu of compacted low-permeability soil on the landfill side slopes. The GCL will be placed dry, so there is no concern over desiccation cracking of this component of the liner system.

Exposure to TCE or other low-dielectric-constant liquids degrades clay liners causing syneresis cracks Many studies have shown that organic chemicals can cause large increases in hydraulic conductivity (Appendix 11). As well, acidic leachate can degrade clay liners and cause them to fail. (Appendix 11)

With respect to the potential for certain hazardous chemicals to cause large increases in the permeability of compacted clay liners, it is noted that these effects are pronounced only at chemical concentrations that are much higher than are expected in municipal solid waste leachate. As noted in the Response to Comment 36-9, the concentrations of hazardous chemicals in leachate from modern municipal solid waste landfills are extremely low. In addition, as indicated in Appendix C-5 of the Draft EIS/EIR, any leachate produced at the landfill is expected to be very dilute because it would be generated only intermittently in response to rain storm events. Therefore, the potential for the soil liner to be exposed to hazardous chemicals at concentrations sufficiently high to affect permeability is believed to be negligible. The general effect of landfill leachate on the permeability of clay liner materials has been studied by Professor Daniel of the University of Illinois who concluded that *"No detrimental effects were observed when a wide range of actual and simulated landfill leachates were passed through specimens of natural earthen liner material."* (Daniel and Liljestrand, 1984, full reference given below.)

Daniel, D. E. and Liljestrand, H. M., "Effects of Landfill Leachates on Natural Liner Systems," Department of Civil Engineering, University of Texas, Austin, 1984, 86 pp.

Yazdani, R., Campbell, J. L. and Koerner, G. R., "Long-Term In-Situ Strain Measurements of a High-Density Polyethylene Geomembrane in a Municipal Solid Waste Landfill," *Proceedings of Geosynthetics 1995 Conference,* Nashville, February 1995, vol. 3, pp. 893-905.

15 As well, liners can be torn and sheared by seismic events. Since the proposed Eagle Mountain site is prone to receiving considerable seismic shaking, the composite liner will be subject to severe stress. I see no evaluation of the kinds of stresses that may play on the liner and if the liner system can withstand the accelerations that can be expected in such an event. (See Appendix 12)

16 The landfill cover's reliance on clay needs to be informed by the studies done on the Kettleman Hills Landfill included here as Appendix 13.

Response to Comment 38-15

The Draft EIS/EIR and ROWD include extensive studies of site seismicity and of the stability of the landfill systems, including the liner system, during earthquakes. The Draft EIS/EIR concludes that the landfill design will be stable with adequate factors of safety under seismic loading conditions that meet federal regulatory requirements and significantly exceed California regulatory requirements. Relevant information on seismicity and seismic design is presented in the following documents: (i) Draft EIS/EIR, Section 3.9.2 and Appendices H-1 to H-5; (ii) ROWD, Section 5.4, Chapter 8, and Appendices D and K; and (iii) ROWD Supplemental Volume 1, Sections 14.4 and Appendices R and S. Additional discussion is also provided in the Response to Comment 62-5. Also see Response to Comment 36-2.

Response to Comment 38-16

The studies cited in the comment describe the construction (1990) and monitoring (1990-1993) of a cover system test section at the Kettleman Hills landfill facility. The purpose of the Kettleman Hills test section was to assess the potential for desiccation cracking of clay components of various landfill cover systems in an arid climate. The results of the studies indicate that the cover system with the best performance (i.e., the least clay desiccation) consisted of, from top to bottom, a 2-foot thick soil layer, a geomembrane, and a compacted clay layer. The studies conclude that the 2-foot thick soil layer minimizes desiccation by keeping the geomembrane in intimate contact with the underlying compacted clay layer and by insulating the clay layer from air temperature extremes.

The design of the final cover system for the Eagle Mountain landfill is similar to the best-performing system in the Kettleman Hills test section. As described in Section 4.1.2.1 and Section 2.1.5.4 of the Draft EIS/EIR, the system design includes a total of 3 feet of soil material overlying a geomembrane and a low-permeability soil foundation layer. This thickness of soil overlying the cover system geomembrane is 1 foot greater than the thickness in the Kettleman Hills study. The greater the thickness of soil, the less potential there is for desiccation cracking (all other factors being equal). Therefore, based of the results of the cited studies, the potential for

In general, the discussion on liners fails to disclose to decision makers that the proposed liner system will not protect groundwater resources from contamination from landfill gases and leachate for as long as the waste remains a hazard. (See Appendix 14) I am introducing information into the record as Appendix 14 which goes into great detail why the liner system being relied upon by the project proponents will fail and should be re-examined. During the scoping sessions other alternatives were discussed that could mitigate the inevitable groundwater contamination that is bound to occur should the project be build as described in this EIR/S. Other options should be explored throughly such as landfill mining, recycling, source reduction, and manufacturer's responsibility policy. Continuing to rely on landfills and failing to adopt a materials policy to manage solid waste will inevitably result in ground water contamination. 17 18

Thank you for your consideration of these comments.

Sincerely,

Jane Melanie Williams

Jane Melanie Williams
for DCAP members

desiccation cracking of the low-permeability soil component of the final cover system is low. In addition, it is noted that any such desiccation would not have a substantial influence on the capability of the cover system to minimize moisture infiltration into the landfill because the primary function of the low-permeability soil component is not to act as a barrier to moisture, but rather to provide a foundation layer for the overlying geomembrane barrier layer.

Response to Comment 38-17

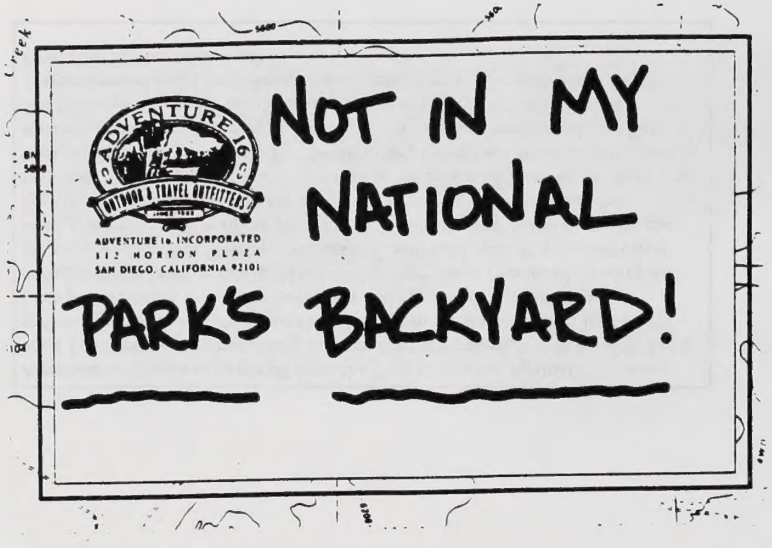
The liner system design presented in the Draft EIS/EIR considers the potential effects of combined mechanical and chemical stresses on the HDPE geomembrane. The Draft EIS/EIR concludes, in Section 4.1.2.1, (page 4.1-11) that the service life of an HDPE geomembrane in a properly designed and constructed municipal solid waste landfill is expected to exceed the time period in which leachate and landfill gas would be produced. Moreover, the landfill design does not rely solely on the integrity of the HDPE geomembrane to provide long-term protection of the ground-water. This integrity is just one factor that affects the long-term effectiveness of the landfill containment systems. Other major factors include the arid site conditions (which will result in negligible long-term leachate production), the design of the final cover system and its ability to be maintained, and the use of soil materials with negligible long-term degradation potential as a component of the composite liner systems.

Response to Comment 38-18

The lead agencies considered these and other options for meeting the region's long-term waste disposal needs (see Section 2.8 of the EIS/EIR), but determined that these options would not adequately address the Purpose and Need. As a result, these options were not considered in detail in the EIS/EIR. Please refer to Responses to Comments 20-37, 26-2, and 26-4. Also see General Response 2.

Attached to Comment Letter 38 from the Desert Citizens Against Pollution were 14 attachments (amounting to more than 200 pages), which consisted of a series of technical reports on air emissions from solid waste landfills, landfill liner performance, and the potential for leakage and/or groundwater contamination from landfills. None of the appendices specifically addressed the proposed Project. The appendices to Comment Letter 38 were reviewed during the preparation of the Final EIS/EIR, and the key issues raised by the appendices, as they relate to the proposed Project, are addressed in the response to the comment letter. Because of the length of these appendices, and because the key issues related to the proposed Project are summarized either in the comment letter or the response, the appendices are not reproduced here. The full appendices are available for review at the County of Riverside Transportation and Land Management Agency and BLM offices (see Section 1, Final EIS/EIR for addresses).

COMMENT LETTER 39



Response to Comment 39-1

Comment acknowledged.

COMMENT LETTER 40

NEW KAISER
VEBA

Benefits Committee

August 6, 1996

Bureau of Land Management
Riverside, CA

Re: Eagle Mountain Landfill and Recycling Center
Draft Environmental Impact Statement/Report

Dear Sirs:

My name is Ron Bitonti. I am Chairman of the New Kaiser Voluntary Employees' Beneficiary Association, a non-profit trust of 7,000 retirees of Kaiser Steel and their dependents who lost lifetime medical benefits during the bankruptcy of Kaiser Steel Corporation. We are also the largest shareholder of Kaiser Ventures, the owner of the land proposed for development as the Eagle Mountain Landfill.

Our interests in the proposed Eagle Mountain project are clear. We stand behind Kaiser Ventures and Mine Reclamation Corporation and their commitments to build an environmentally sound project.

The Draft Environmental Impact Statement/Report analyzed potential environmental impacts that may result from the proposed land exchange and associated rights of way. My comments deal with that information.

1 1. The federal lands proposed for exchange have been disturbed by over 40 years of mining operations. The Kaiser lands proposed for exchange are in environmentally sensitive habitat areas for threatened species and will provide valuable enhancement to the BLM consolidation of these habitat areas.

2 2. The project site itself is not pristine desert, but rather a site left devastated by the mining operation. The Eagle Mountain project would reclaim the site and return it to near original contours.

3 3. MRC and Kaiser have gone above and beyond to meet every regulation, respond to every question, change the project where possible, and agreed to expanded mitigation measures to address concerns.

4 4. Southern California is facing a critical shortage of environmentally sound landfill capacity. The document states that there will be a need for at least

9880 Sierra Avenue, Suite E • Fontana, CA 92335 • Telephone: (714) 356-3663 Facsimile: (714) 356-4672

Response to Comment 40-1

Comment acknowledged. See General Response 6.

Response to Comment 40-2

Comment acknowledged. The historical use of the area for mining is in Section 1.1.1 of the EIS/EIR.

Response to Comment 40-3

Comment acknowledged. See General Response 3.

Response to Comment 40-4

Comment acknowledged. Also see General Response 1.

two and probably three regional sites such as Eagle Mountain in the next 20 years.

5. The Eagle Mountain project has received two "no jeopardy" opinions from the U.S. Fish and Wildlife Service concluding that the project would not jeopardize the continued existence of desert tortoise or desert pupfish.

6. The document concludes that with proposed mitigations, the Eagle Mountain project would not significantly harm the environment in the vast majority of areas of concern. In the areas of potential significant impact, MRC and Kaiser have agreed to continue to monitor potential impacts and discuss potential, additional mitigations either as a part of this process or in addition to it.

7. Regarding the Joshua Tree National Park concerns, keep in mind that Kaiser and Joshua Tree have been good and amiable neighbors for 40 years. When the California Desert Protection Act was passed redesignating Joshua Tree a National Park, the legislation contemplated the Eagle Mountain Project. The intent of the legislation was not to impose additional requirements on the project or to create buffer zones around it.

Nonetheless, the new environmental analysis took into account the new Park designation and the multitude of Joshua Tree concerns and concluded that with mitigation, and excluding the potential impact to the wilderness experience, there would not be a significant impact to the wilderness experience; there would not be a significant impact to the Park. As for the potential impact to the wilderness experience, a finding of potential significance was made, which seems outrageous to me, but if you can't measure it, you can't prove anything either way. I would like to see an analysis of the potential air impacts of the landfill project compared with the previous mining operation. If the mine did not adversely impact the Park and the landfill impacts are less, how can the landfill adversely impact the Park?

These are our specific comments related to the proposed federal action.

In summary, VEBA believes that the new Draft EIS/EIR adequately addresses potential impacts to the environment. Further, we believe that the potential environmental impacts will be minimal and the proposed land exchange is in the best interests of the public and should go forward as soon as possible.

Thank you for your time.

Ronald E. Bitonti
Chairman, New Kaiser VEBA

Response to Comment 40-5

Comment acknowledged. Also see General Response 6.

Response to Comment 40-6

Comment acknowledged. Also see General Response 3 regarding the Agreement between NPS and MRC.

Response to Comment 40-7

Comment acknowledged.

Response to Comment 40-8

Comment acknowledged.

COMMENT LETTER 41 8-31-96

RIVERSIDE COUNTY PLANNING COMMISSION:

I WON'T WASTE YOUR TIME BY TELLING YOU ALL OF THE OBVIOUS REASONS THAT YOU SHOULD SUPPORT & APPROVE THE EAGLE MOUNTAIN PROJECT. ALL OF THAT HAS BEEN THOROUGHLY DOCUMENTED AND SENT TO YOU.

I SIMPLY WANT YOU TO KNOW THAT I BELIEVE IT IS VERY OBVIOUSLY GOOD FOR THE TAXPAYERS OF RIVERSIDE COUNTY AND I ENCOURAGE YOU TO PROMPTLY MAKE A RECOMMENDATION TO THE BOARD, STRONGLY SUPPORTING THE EAGLE MOUNTAIN LANDFILL PROJECT.

SINCERELY,

Earle R. Anderson

EARLE R. ANDERSON
440 PACIFIC AVE
HIGHGROVE (RIVERSIDE) 92507

RECEIVED
SEP 10 1996
RIVERSIDE COUNTY PLANNING DEPT.

Response to Comment 41-1

Comment acknowledged.

COMMENT LETTER 42

July 15, 1996

Ms. Joan Oxendine
Bureau of Land Management
California Desert District
6221 Box Springs Boulevard
Riverside, CA 92507

Dear Ms. Oxendine:

With reference to the Eagle Mountain Waste Disposal Project, Kaiser Eagle Mountain Mine operated for forty years. This consisted of heavy equipment, shovels, trucks and bulldozers, crushers and blasting going on twenty four hours a day - covering everything for miles with dust and pollution. This did nothing to endanger Joshua National Monument. Bighorn Sheep lived and thrived in the adjacent area. Disposal of waste operations at Eagle Mountain with its state of the art construction and operation, enclosed containers, etc. would produce very little, if any, dust and pollution to the surrounding area.

We have lived in the area for thirty five years. I farmed and also retired from Riverside County. My wife is a retired Postmaster from the area. We have many friends in the area and have talked and discussed this project in great lengths. Except for a small group of vociferous dissidents, that you have heard or read about in the newspapers, ninety percent of the residents are one hundred percent in favor of the project, as we are, and feel that the acceptance of this waste disposal landfill project at Eagle Mountain would be one of the better things to happen to Riverside County. It is a shame it was not completed and in operation three years ago.

Disregarding the above, what are your plans for Riverside County's waste disposal when all the numerous leaking and illegal land fills throughout the county are forced to close in the next year or two? The answer is obvious -- Eagle Mountain.

Sincerely,

Robert E. Anderson
Ruth M. Anderson

Robert E. and Ruth M. Anderson
P. O. Box 495
Desert Center, CA 92239-0495

Response to Comment 42-1

Comment acknowledged.

COMMENT LETTER 43

1996, July 21
Norco, CA

Dear Ms. Oxendine—

Please excuse the informality of a card instead of a business letter—there boring, anyhow, & I have limited time & resources to generate such a missive.

I would like to add my POSITIVE OPINION to the pot of thinking on the concept of the Eagle Mountain Mine as a landfill. I have read extensively about this project for several years now. I can not conceive of a better match for public need and available facility(ies).

I firmly believe that the gross $$'s brought to our region and the real usefulness of the site make it a regulatory must-do. Please give this project a green light. Sincerely,

Pamela Fuscumiaga

1377 4TH ST.
NORCO, CA 91760

Response to Comment 43-1

Comment acknowledged.

COMMENT LETTER 44

August 12, 1995
11435 Davis St.
Moreno Valley, CA
92557

RIVERSIDE, CA

TO WHOM IT MAY CONCERN:

At the hearing on Thursday, August 6, we heard public comments concerning the land exchange between Kaiser Ventures, Inc. and the Bureau of Land Management. I am writing you as a concerned person, citizen and tax payer for you to approve this land exchange.

We all know the need for landfills in our country and especially here in Southern California. No matter where the location of a landfill, people are going to complain. I'm sure BLM has weighed the pros and cons with hundreds of documents from engineers and experts, as well as the environmentalists in making their final decision. BLM has the authority to grant this land exchange, and it seems that the exchange was formerly once approved.

Mine Reclamation Corporation has bent over backwards to meet the specified requirements for the approval of this project. They have consulted the best experts and engineers in the field. In addition, they have made the necessary corrections for this project.

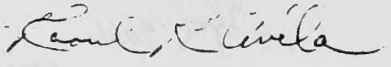
If, and when, this project is approved and in operation, everyone in Riverside County and Southern California will benefit handsomely. Environmentalists will receive $1.00 per ton from the 20 to waste. If 2,000 tons are brought in per day, then in weeks, months and years, there will be a huge benefit for the environmentalists.

Eagle Mountain Townsite coming back to life would be a joy and a blessing. Residential development schools, churches, commercial business, utilities service, will again be in operation. Surrounding areas will benefit with jobs. Home owners will be selling to someone with profit bringing a bright future to the area.

Presently the economy is at a bad condition-not enough jobs crime, drugs, loss of homes and broken marriages. Read the newspapers! they are filled with killings and robberies. This landfill would again bring hope to the people in the area.

Many landfills are full and closed; others are leaking contaminants. This Eagle Mountain Project is the state of the art with all possible precautions being taken to avoid leakage. In addition Eagle Mountain is a perfect spot for the landfill due to the vast pit formed from mining. In closing as a Riverside County resident and tax payer, I urge you, BLM, to approve this land exchange in order for this landfill to be built.

Sincerely,



Response to Comment 44-1

Comment acknowledged.

COMMENT LETTER 45
Aug 26 - 1996

Joan Oxendine

We will be unable to attend the hearings. But we want to voice our approval for the Eagle Mountain Landfill and Recycling Center. We think it is a good project as it will close a lot of leaking over burdened landfills, that was started with out proper study. or thought of the future.

It will create jobs and is located in a area best suited for environmental mitigation.

J.F. BENEDICT
RIVERSIDE
28 PM 2:

Carl + Elaine Bell
26044 Kentia Palm Dr.
Homeland Calif
92548.

Response to Comment 45-1

Comment acknowledged.

COMMENT LETTER 46

Anthony J. Bellanca Sr.
8544 Rosena Ave.
Fontana Ca. 92335
Aug. 26, 1996

96 AUG 27 PM 12:26

CALIF. DESERT DIST. BLM
RIVERSIDE, CA.

Joan Opendine
California Desert District
6221 Box Springs Blvd.
Riverside Ca. 92507

To Whom It May Concern:

I support the Eagle Mountain project because it will be prepared with all the modern technology to prevent any type of pollution, and it will be located in a very remote area of Southern California. Also, it will eliminate the present day landfills which are located near heavily populated areas and are beginning to leak.

Hoping you will offer your support, for this project, so the operation can begin soon as possible.

Thanking you-

Sincerely

Anthony J. Bellanca Sr.

Response to Comment 46-1

Comment acknowledged.

COMMENT LETTER 47

RECEIVED
AUG 19 1996
RIVERSIDE COUNTY
PLANNING DEPARTMENT

August 12, 1996

TO WHOM IT MAY CONCERN

SUBJECT: EAGLE MOUNTAIN LAND FILL AND RECYCLING CENTER

I would like to lend my support to this project.

I have followed these proceeding since 1989. And I have been to the site.

The principleissue seems to be the concern for the enviornmental impact. And at this point, most of those concerns seem to have been dealt with. What's left is in the hypothetical "....what if...".

Anything of this magnatude has risk. We must always make every effort to minimize the risk, but at some point, it must be decided to take it. To some, this may be grossly oversimplifying a tremendously complex project. However, this is no worse than those taking the stand that, no risk is worth it.

Thank you for your consideration.

Yours,

David E. Brown
PO BOX 3457
Idyllwild, CA 92549

Response to Comment 47-1

Comment acknowledged.

COMMENT LETTER 48

Gene Burson

~~Cottonwood Creek Dr.,~~ ~~900 N. 6th St. P.O. Box 12~~
Banning, Calif. 92220

RECEIVED
SEP 04 1996
RIVERSIDE COU
PLANNING DEP

Sept 3, 1996

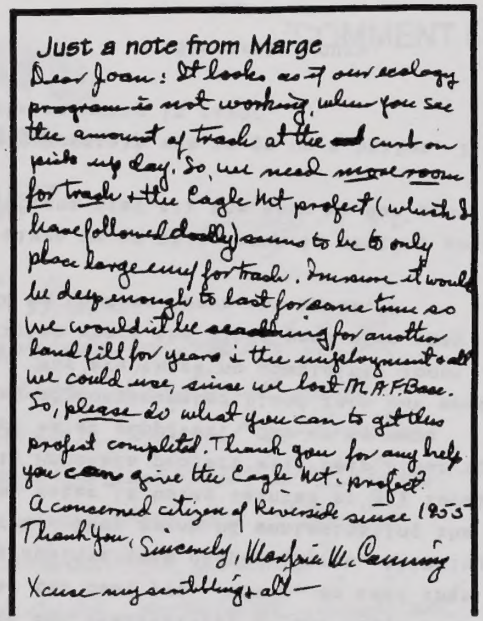
David Mares:
Having been A resident of Riverside County and the Pass Area since 1920, And how watched it grow for All of Those years, I see A great opportunity for All in the Eagle Mountain project
When there is so much benefit for so many people how can Anyone Not be in favor of such A great economic boost to the entire Area? Please don't let such A great opportunity pass us by.

Sincerely
Gene Burson

Response to Comment 48-1

Comment acknowledged.

COMMENT LETTER 49 9/4/96 -3



Just a note from Marge
Dear Joan: It looks as if our ecology program is not working when you see the amount of trash at the end count on pride up day. So, we need more room for trash + the Eagle Nest project (which I have followed closely) seems to be the only place large enough for trash. I'm sure it would be deep enough to last for some time so we would not be searching for another land fill for years + the employment at all we could use, since we lost M.A.F. Base. So, please do what you can to get this project completed. Thank you for any help you can give the Eagle Nest project.
A concerned citizen of Riverside since 1953
Thank You, Sincerely, Marjorie M. Cumming
Excuse my scribbling + all—

Response to Comment 49-1

Comment acknowledged.

COMMENT LETTER 50

27150 Dahlia Court
Sun City, California
August 25, 1996

Mr. David Mares
County of Riverside
4080 Lemon Street, 9th Floor
Riverside, California

Dear Mr. Mares,

Years ago, the Los Angeles Metropolitan Water District had the foresight to acknowledge that Southern California would need good sources of water supply in the years to come.

Today, our need is for a safer and better location for waste disposal. The location and availability of the Eagle Mountain proposal site is by far the best yet. Often, we read that some group is fighting against this disposal area, thinking it is bad for their area. They speak of contaminating the underground water. The water is being tainted at all local dumps today. The Eagle Mountain project will help clean up local areas and protect water supplies. One of my main concerns is the dumping of contaminated blood into our sewer systems by mortuaries. Why are there no complaints about this? I asked a mortician where the blood goes when they do their embalming and he told me "down the sewer."

My time that God has given me on this earth is getting short but our younger generations need all the help we can provide.

If this matter of Eagle Mountain was to go on a ballot, I am sure you would find the majority in favor.

Sincerely yours,

Don Carner

Response to Comment 50-1

Comment acknowledged.

COMMENT LETTER 51

RECEIVED
JUL 29 1996
RIVERSIDE COU
ING DEPT

July 19, 96

Attn: Mr. Wares:

I am writing in regard to the Eagle Mountain disposal site. I think this is a project whos time has come and should not be delayed. Below are some reasons I think a permit should be granted.

(1) A large safe, practical disposal site is urgently needed. The trash disposal problem is getting more critical all of the time and needs to be solved.

(2) Eagle Mountain is a practical location, isolated with easy access by rail and road. It is large enough to last many years.

(3) It will be environmentally safe and is well engineered.

OVER

Response to Comment 51-1

Comment acknowledged.

Sealed trains and trucks will be much less harmful to the environment than many smaller trucks hauling to small unsafe, less economical sites.

④ The Eagle Mountain site will create many jobs and bring much needed revenue to localities and Riverside County.

⑤ It will allow the closing of environmentally unsafe land fills and solve many future problems.

It is the right project, at the right time in the right place.

I sincerely hope that the planning department will recommend the project to the County Supervisors.

Robert X. Cassidy
4891-F-Winners Circle N
Palm Springs, Ca 92264
619-324-3984

COMMENT LETTER 52

CHIRIACO SUMMIT Coffee Shop

RECEIVED
BUREAU OF LAND MANAGEMENT
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RIVERSIDE, CA.

8-6-97

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RETURN TO:			

Dear Henri —
I am enclosing a letter that says it all and very clearly. —
It is what I have supported and continue to support — please enter into the written comments to the EIR —

GO LANDFILL!

Margit T. Chiriaco Ruschke

Chevron

Joseph L. Chiriaco, Inc.
Established 1933
One Chiriaco Road, Chiriaco Summit, CA 92201 – (619) 227-3227
LOCATED ON INTERSTATE HWY 10 • 30 MILES EAST OF INDIO • 68 MILES WEST OF BLYTHE

Response to Comment 52-1

Comment acknowledged.

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Carolyn G. Schatz, Editorial writer
Gustavo Ortiz, Information Systems Director
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VOICE OF THE

Physician honored

On Sept. 20, 1993, the city of Barstow and Hospital of Barstow Inc. signed the first amendment to the hospital lease in which the city agreed to pay an amount not to exceed $2.7 million of hospital fund monies to improve and upgrade Barstow Community Hospital.

Seeing the results of that nearly three years later, on July 26, was a happy day for our "proud lady of the desert," Barstow Community Hospital, which has stood faithfully serving the sick and injured for about 35 years.

For 25 of those years, Dr. Rogelio Arosemena has served the sick and injured in his office, in the hospital and in its emergency room. We all love and appreciate him for his service and dedication. So, it is a fitting tribute to name our new state-of-the-art emergency room for Arosemena, our beloved physician.

Congratulations, dear doctor, employees and the people you have served these many years.

HELEN K. RUNYON
Barstow (July 31)

Eagle Mountain

Comments that the proposed Eagle Mountain landfill recycling project would harm Joshua Tree National Park are ludicrous. The landfill would in no way be detrimental to Joshua Tree.

Eagle Mountain was a thriving mine, pellet plant and livable community. No damage whatsoever was done to Joshua Tree.

The proposed landfill project would renew the economic life of Eagle Mountain. All of Southern California would benefit as a result of billions of dollars of increased economic activity and newly created jobs.

The environmental protections required of this project are monumental. Everything anyone could possibly think of to protect the project site and adjacent areas has been planned out. All of this has been documented and is available to the public.

This abandoned iron ore mine matches perfectly with the landfill project. Plans are to restore the area to the original contours of this remote area.

This project will not hamper any of the visitors to Joshua Tree National Park. They would not even be in the same vicinity.

It will permit the closing of several other landfills, which are either full or more detrimental to the environment.

You could not ask for any better use of this property. The project deserves everyone's support.

JAMES MULLEN
Redlands (July 30)

I can agree with Richard Rodriguez's concerns regarding the commercialism of the Olympics activities and the obsession some athletes have with fame and fortune and corporate sponsor contracts in his July 28 Perspectives article, "Olympics: Pushing paganism to extremes."

However, I do not agree with the statement: "Increasing numbers of Americans seen not to believe in anything remotely like the soul anymore. There is only the body. Matter. So, the highest ideal must be the athletic body, muscled, toned, hard. . . ."

For any athlete at the level of the Olympic contenders, great attention and emphasis is placed on the soul or spirit.

Interestingly, Rodriguez's jabs at paganism in relation to the Olympic G
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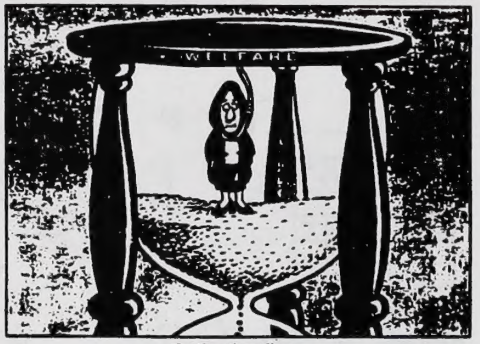
Anti-gay agenda can harm even devout Republicans

The Republican Party's anti-gay agenda, designed to keep gay men and lesbians afraid and invisible, has once again backfired: Arizona Republican Congressman Jim Kolbe has been forced to step out of the closet and publicly acknowledge that he is gay.

Debra Price

Just three weeks after many of his House Republican colleagues used a debate on gay marriage to vilify homosexuality as "immoral," "perversity" and "unnatural," Kolbe reluctantly put a human face — the face of a 54-year-old stalwart Republican Methodist real estate broker, with an MBA degree, only

VIEWS ON THE NEWS: Cartoons anc



The Two Year Timer
CLAY BENNETT/North America Syndicate

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COMMENT LETTER 53 July 19, 1996

Dear Joan Oleraine,

In reference to the Eagle Mt. Landfill and Recycling we believe its so vital.

The site is perfect and we need it! Of all the input, it is the most logical.

Please, do consider this deal, - we've been living in this beautiful valley since 1981, and have observed many changes - this plan is by far for the good of our people, in many ways.

Thank You for your consideration.

Most Sincerely,

Mr. & Mrs. Albert J. Crowden

[redacted]

Response to Comment 53-1

Comment acknowledged.

RECEIVED
AUG 2 9 1996
RIVERSIDE COU

COMMENT LETTER 54

AUG 2 7 1996

Aug. 19, 1996
Riverside, Ca.

Superior Kay Ciniceros
Would Appreciate your support in the Eagle Mountain Landfill Project. This would be great for the Unemplayment and also bring much needed funds to the County.

We should also look into the future and realize how Wonderfull it would be to know our great great grand children will not have to live with trash on the streets because all these Landfills we have now will be full.

As for hurting the Animals or the Environment the mine operated there for over fourty years and didn't hurt any of that. We ask for your support in this and you will have Ours.

Sincerely

Mary C Bun
5942 Beverly St
Riverside Ca 92503

Response to Comment 54-1

Comment acknowledged.

COMMENT LETTER 55

Jack B. Cummings

September 4, 1996

Joan Oxendine
California Desert District
6221 Box Springs Blvd.
Riverside, CA 92507

Dear Ms. Oxendine:

As one who spent twelve years of my life trying to find adequate land fill sites while serving as Mayor and Councilor for the City of Redlands, I wish to encourage your support of the Eagle Mountain Landfill project.

Now that I am a Riverside County resident, and one who spends considerable time in the Colorado River area, I am familiar with the proposed Eagle Mountain area. (I first knew it as part of the Kaiser Steel empire.)

I have followed the progress of this proposal for several years and believe it is worthy of our support. It is a good project which has been made better because of the public process.

Recognizing the need for increased tax base to support the demands of residents, I am impressed with the additional dollars that would be coming to our County when this project becomes a reality.

It is our hope that the involved commissions, boards and agencies will vote favorably for the Eagle Mountain Landfill and Recycling Center. Thank you.

Sincerely,

Jack B. Cummings

Response to Comment 55-1

Comment acknowledged.

COMMENT LETTER 56

RECEIVED
SEP 11 1996
VERSIDE COU
ING DEP

Vivian Cushman
11785 Quiet Lane
Riverside CA 92505
September 9, 1996

Mr. David Mares
County of Riverside
4080 Lemon Street, 9th floor
Riverside, CA 92501

Dear Mr. Mares,

I have been interested in the Eagle Nat. Project ever since I heard the Mine Reclamation Corporation started planning it for a much-needed disposal area. I have studied reports of their scientific environmental studies as a long time resident of Riverside County and as a nature enthusiast. I believe we should give this project a go-ahead. That hole has been empty long enough!

Sincerely,

Vivian Cushman

Response to Comment 56-1

Comment acknowledged.

COMMENT LETTER 57 36

Please expedite the process for clearance of the Eagle Mtn landfill project.

We need a better alternative than the existing leaking landfills.

Thank you,

Dr. D'Amico
Idyllwild

Diane D' Amico
P.O. Box 2301
Idyllwild, CA 92549

USA 32

Dear Secretary
Bureau of Land Mgt.
222 E. Desert Overlook
1221 Box Spring Blvd
Riverside, CA 92507

Response to Comment 57-1

Comment acknowledged.

COMMENT LETTER 58

October 10, 1996

SIDE, CA

Ms. Joan Oxendine
California Desert District
6221 Box Springs Road
Riverside, CA. 92507

Dear Ms. Oxendine:

I have personally toured the proposed Mine Reclamation/Eagle Mountain Landfill project and I am very impressed with their technological and efficient plan for operation of this landfill.

I offer a comparison between the Eagle Mountain Landfill Project and the El Sobrante expansion plan. Riverside County needs approval of one or the other or both.

EAGLE MOUNTAIN	EL SOBRANTE
This landfill is over 50 miles from any significant population center or any possible water contamination. Damage to any endangered species has not been proven.	This landfill is less than 5 miles from Lake Mathews - a major Southern California water reservoir and is in the middle of present and future residential developments and homes.
All materials would be shipped by rail in sealed cars and in a direct and efficient manner. One trainload would equal over 100 dump trucks.	All waste material is brought in by air polluting diesel trucks, over a winding road through residential streets which will further poison air locally as well as pushing this polluted air through Banning Pass into the desert resulting in extreme health hazzard.
In filling the huge Eagle Mountain Canyon devastated by iron ore mining, a tremendous scar on this earth will be repaired and this enormous property will be repaired and returned to natural habitat.	When filled to capacity, can the El Sobrante site ever be made habitable?
Mine Reclamation, Inc., operators of Eagle Mountain Landfill have never been accused of trying to illegally influence politicians on their behalf.	Western Waste Industries of Torrance, California, operators of El Sobrante are presently under federal investigation of possible criminal activities, as per articles in Riverside Press-Enterprise Sept. 19, 22 and 28, 1996. This is a giant corporation with giant revenues of millions of dollars a year.

Response to Comment 58-1

Comment acknowledged.

EAGLE MOUNTAIN

Mine Reclamation, Inc./Eagle Mountain ask only to be judged on their merits.

EL SOBRANTE

Western Waste/El Sobrante contributed to the last election campaign of Supervisor Bob Buster, Riverside County. They funded and hosted a dinner which is said to have cost approximately $2,600.00. In my opinion, this dinner undoubtedly netted large undisclosed amounts of contributions from those attending this dinner. Then Mr. Buster apparently and conveniently "forgot" to declare these monies until after the election.

Why is Mr. Buster not being investigated at this time for this questionable activity? Mr. Buster has actively and aggressively supported the El Sobrante expansion. It boggles the mind to believe that Mr. Buster is not fully aware of the reputation and past activities of Western Waste officials. On September 22, 1996 Mr. Buster is quoted in Riverside Press as stating..."If the federal grand jury finds criminal activity among a number of Western Waste officials, he would not support the expansion project."

If Mr. Buster is not more aware and attuned of what is going on in his District, he should in my opinion be removed from office.

As it is in the financial interest of Western Waste/El Sobrante to have the Eagle Mountain project denied, I firmly believe that Mr. Buster SHOULD NOT VOTE on either of these issues because of his conflict of interest.

NOTE: Mr. Buster apparently was very instrumental in obtaining an injunction from a San Diego Judge which reversed the approval of the Riverside County Board of Supervisors approval of the Eagle Mountain Project, costing Riverside County millions of dollars in potential revenues. Again, it is my firm opinion that Mr. Buster should definitely be a part of the federal investigation looking into posdible criminal activities as regards these matters.

FRANKLIN J. DAILEY, M.D.
6837 HAWARDEN DRIVE
RIVERSIDE, CA. 92506-5521

Trash probe gives county officials a chill

FBI inquiry could put plan for dump at risk

By Skip Morgan
The Press-Enterprise

RIVERSIDE

A federal investigation that had several Riverside County agencies busy Wednesday compiling subpoenaed documents about Western Waste Industries could derail the trash company's proposed dump expansion, officials said.

County supervisors were careful to point out that the federal grand jury in Los Angeles has not issued any criminal charges against the Torrance-based company, which has been linked to recent scandals in Compton and Louisiana.

However, supervisors said they hope to learn more about the federal probe into Western Waste's operations before a scheduled Oct. 29 vote on the company's proposed expansion of the El Sobrante landfill south of Corona.

And some board members said they wanted to see a provision in a proposed contract with Western Waste strengthened to allow the county to get out of the El Sobrante deal if company officials are accused of criminal activity.

All four supervisors contacted Wednesday expressed concern about the federal inquiry.

"If there is enough going on that we can see that something is awry, we should hold off," Supervisor Kay Ceniceros said.

"I want to know what kind of a company we're dealing with," Supervisor Tom Mullen said. "I will not do business with a company involved in political corruption."

Please see **PROBE**, A-9

P-E, 09-19-96.

PROBE: Could derail expansion

Continued from A-1

"It there is a company-wide policy of criminal activity, that would be a problem," Supervisor Roy Wilson said. "If it was just some company official who was crooked, that would be another matter."

The concern was triggered by a federal subpoena served by the FBI on Friday. It sought all county records dating back to 1983 that pertain to Western Waste or 10 current and former company employees.

The documents are to be delivered to a federal grand jury for a Friday hearing in Los Angeles. Federal officials on Wednesday declined to discuss the subpoena.

Les Bittenson, Western Waste's chief operation officer and one of the officials named in the subpoena, said he knew nothing about the federal probe.

"I've told our attorney, go find out what the hell is supposedly going on," Bittenson said, adding that "nobody in the company is aware of anything."

The subpoena follows two recent criminal trials involving Western Waste.

In Compton, former City Councilwoman Patricia Moore is charged with accepting cash payments in exchange for supporting a Western Waste proposal being considered by the council. Neither Western Waste nor company officials have been charged in connection with the case.

Earlier this year, a Western Waste official pleaded guilty to corruption charges in Louisiana.

Supervisor Bob Buster, the most outspoken supporter of the El Sobrante expansion on the board, said the grand jury probe could cause him to rethink his support for the project.

"If a number of company officials are charged with serious felonies, we would have to pull back from supporting the project," Buster said.

Before any decision on Western Waste's proposal to expand El Sobrante's capacity from 8 million to 108 million tons, Buster said he hoped a provision in the proposed are charged with felonies.

An analysis by the New York-based law firm Hawkins, Delafield & Wood of the board's options in dealing with criminal activity by Western Waste officials is expected to be completed this week, Deputy County Counsel Frank Aldrich said.

Under the current proposed contract, any Western Waste officials accused of criminal activity would not be permitted to work on the El Sobrante operation.

County Counsel William Katzenstein said the county might not be able to provide all of the documents that have been subpoenaed before the scheduled grand jury hearing Friday.

At the county's Environmental Health Department, five employees were working Wednesday to catalog and copy documents relating to Western Waste.

Damian Mems, director of the Environmental Resources Management Division, said his staff had so far compiled a four-page list of all the studies, reports and other documents that have been drafted in connection with Western Waste's operations at El Sobrante and its permits to collect trash in several areas of the county.

Mems said he has 20 notebooks filled with various studies relating to Western Waste.

"We going to see if we can get an extension of time if they want copies of all these studies," he said.

SCO10019S7E.DOC

COMMENT LETTER 59

30385 La Pay Lane
Winchester, CA 92596
1 August 1996

Joan Oxendine
Bureau of Land Management
California Desert District
6221 Box Springs Boulevard
Riverside, CA 92507

Dear Mrs. (?) Oxendine:

Sun City Library has a copy of the new environmental analysis of the EAgle Mountain Landfill and Recycling Center project available for inspection, and I was able to review all three volumes. While I did not go into great detail in Vols. II & III, I read Vol. I rather thoroughly.

It appears to me that the project has been thoroughly engineered, reviewed by experts, and examined for every conceivable contingency, and that any possible future trouble spots will be minutely monitored and can be taken care of in the unlikely event they should occur.

I am convinced that the project should be approved and encouraged to proceed at all deliberate speed, considering the condition of our present landfills. Twin Buttes, the one I had previously used, has been closed.

The economic benefits enumerated by the report are a delightful side benefit.

May I urge you to use your considerable influence to have the Eagle Mountain project speedily approved and placed in servicxe.

Sincerely,

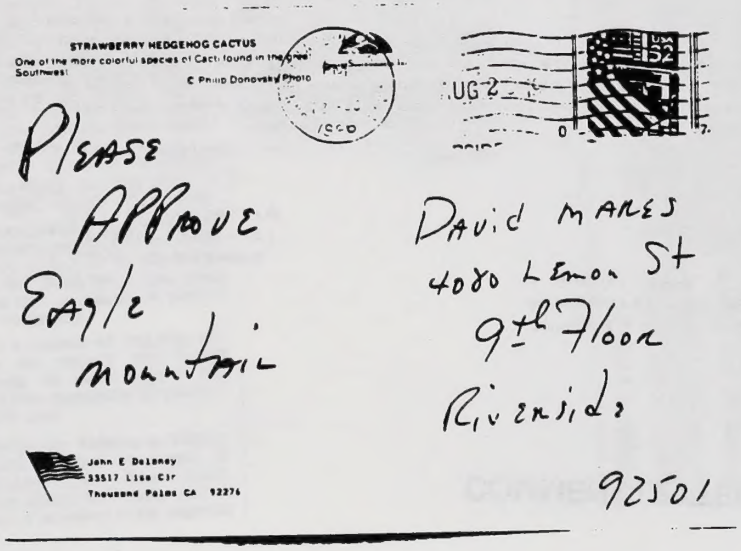
James S. Dearth

James S. Dearth

Response to Comment 59-1

Comment acknowledged.

COMMENT LETTER 60



Response to Comment 60-1

Comment acknowledged.

COMMENT LETTER 61

AUG 3 0 1996

Aug. 24, 1996

SEP 4 1996

Dear Supervisor Kay Ceniceros, 3rd District,
We support Eagle Mountain Landfill.
We urge you to approve Eagle Mountain Landfill and recycling center. There is a need of landfill and landfills are filling up and threatening the environment today. The project has superior environmental protections. This site is ideal and everybody will benefit. Jobs will be created and the economy is enhanced.
Eagle Mountain would provide new revenue for Riverside County and could fund the closure of existing problem landfill sites. Eagle Mountain has been the most exhaustively studied landfill project in history. The time to proceed is now. The BLM should approve the land exchange and Riverside County should get on with evaluating the project on its merits. Won't you give Eagle Mountain a chance? We need a landfill, so why not Eagle Mountain?

Do you have a problem with that?
Thank you.

Sincerely,
John R. Denton
Ethel Denton

9811 Kenpter Ave.
Fontana, Ca. 92335-5943

Response to Comment 61-1

Comment acknowledged.

COMMENT LETTER 62

Aug. 24, 1996

David Maron
County of Riverside,
4080 Lemon St. 9th Floor
Riverside, Ca. 92501

Dear Mr. Maron
County of Riverside 9th flor
Riverside, Ca. 92501
Dear Mr. Maron:
I have followed the progress
Eagle Mountain Landfill since
it was proposed
Please be advised I am
very much in favor & heartily
recommend the approval
Sincerely.
Raymond D Dodd
PS Thanks for reading this
letter

Ray & Gladys Dodd
25116 Avenida Vizcaya
Homeland, Ca 92548

AUG 29 19

Response to Comment 62-1

Comment acknowledged.

COMMENT LETTER 63

August 22 1996

Dear Joan;

My Husband, Dale and I are very strong supporters of the Eagle Mountain waste Manage ment project We have resided in Southern California for fifty-four years. We have seen numerous garbage pits + land fills over-flowing and closed. This project if in operation would surely solve our waste problems, besides creating employment for the people who are in need of jobs in this area.

We urge you to vote in favor of this project.

Sincerely;

Cordelia Douglas
Dale Douglas

RECEIVED
BUREAU OF LAND MANAGEMENT
96 AUG 26 PM 1:17
CALIF. DESERT DISTRICT
RIVERSIDE, CA

Response to Comment 63-1

Comment acknowledged.

COMMENT LETTER 64

July 18 '96

Dear Sir:

I am asking for your support in making Eagle Mountain a good solution for a landfill.

Sincerely

George N. Edelbrock
15-500 Bubbling Wells Rd
Desert Hot Springs, Ca.

RECEIVED
JUL 22 1996
RIVERSIDE COU
PLANNING DEPA

Response to Comment 64-1

Comment acknowledged.

COMMENT LETTER 65

Stan Esecson
Box 844
Rancho Mirage, CA 92

BUREAU

95[illegible]

Bureau of Land Management
California Desert District
6221 Box Springs Blvd.
Riverside, CA 92507

Dear Bureau of Land Management:

Thank you for giving me the opportunity to express my opinion about the Eagle Mountain Landfill and Recycling Center Project. After reading the draft environmental impact report. I am in favor of the project as it is being presented.

My reasons for supporting the project include:

1. The use of state-of-the-art technology is a great improvement over traditional landfill design.
2. The old Kaiser mining site would otherwise remain in its devastated state. With this application, the pit will be put to good use and the surrounding area will be reclaimed.
3. The landfill project is tied to economic incentives for Riverside County that provide much-needed revenue as well as funds to insure long-term environmental protection.

It is important for landfill opponents to remember that despite our best efforts to recycle and buy "green" products, our society will continue to generate solid waste to some time to come.

Therefore, it is up to us to come up with viable solutions to waste disposal. The Eagle Mountain project is one of those solutions.

Thank you for your attention.

CC: Supervisor Bob Buster
Supervisor John Tavaglione
Supervisor Kay Ceniceros
Supervisor Roy Wilson
Supervisor Tom Mullen

Response to Comment 65-1

Comment acknowledged.

COMMENT LETTER 66

830 East J Street
Ontario, Ca. 91764
July 26, 1996

Attn: Joan Oxendine
Bureas of Land Management
California Desert District
6221 Box Springs Boulevarn
Riverside, Ca. 92507

Subject: Eagle Mountain Landfill Project

Dear Ms. Joan Oxendine:

This letter is to express my interest and support for the Eagle Mountain Landfill project, Riverside County.

Not only is this project important to me, it is an essential benefit to the community, county and state. California is our Golden State--let's keep it golden.

As you well know, existing landfills are becoming so full that they are environmentally threatening. Per reports, landfills are unlined and some leaking.

Eagle Mountain project is taking all safety precautions including being lined. You will note the site is a dry area with four or less inches of annual rainfall. It is also accessible from major highways by rail--another safety asset. Natural resources will be protected by the compact working area with no dust or trash to contend with.

There will be systems and back-up systems to protect the environment which is so very important to most of us.

In addition to the safety and enviornmental protection, this site will create over fifteen hundred (1500) jobs plus thirteen million dollars ($13 million) new revenue for Riverside County each year. This in turn will be an asset to the state of California. There are many other advantages for this important project.

I feel this Eagle Mountain Landfill Site should be approved as soon as possible. Please give it your utmost attention.

Sincerely,

Coy H. Ewing

Coy H. Ewing

Response to Comment 66-1

Comment acknowledged.

COMMENT LETTER 67

W. C. FAIRBANK
2838 IRON HILLS WAY
RIVERSIDE, CALIFORNIA 92506

RECEIVED
SEP 03 1996
VERSIDE COU
ING DEP

August 8, 1996

Ms. Kay Ceniceros, Supervisor 3rd District
4080 Lemon ST. 14th Floor
Riverside, CA 92501

Dear Supervisor Ceniceros:

Re: Eagle Mountain Landfill

I am retired after 29 years of statewide field research and teaching in the subject areas of agricultural waste and energy management. I am quite familiar with the technical, economic and societal needs, problems, physical processes and opportunities attendant with solid waste management. The Eagle Mountain Plan holds my continuing interest.

"Everything has to be somewhere"-- a trite statement that quite accurately characterizes the MSW dilemma of southern California. The NIMBY chorus is growing ever louder as the citizenry turns its' back on the problem and remains blind to the fact that every community must share the burden.

Our (UC-CE) years of rural waste management experience have confirmed some basic guidelines which would apply also to MSW. To wit: Locate the receiving facility as remote as is practical from public view; Dewater, dry, and maintain dryness of waste to control odor and insect nuisance; Separate the material into dissimilar catagories to facilitate recycling; develop realistic recycling plans initially without expectation of profit. Dry waste piles in open storage have good resistance to normal rainfall patterns, and under-floor percolation is easilly prevented. The most successful operations have usually been either very small (individual),or very large to be able to capitalize sophisticated equipment and operate continuously.

The Eagle Mountain location and planned scale of operation clearly shows these attributes and a better probability of environmental protection than would a number of smaller facilities of the same total capacity. The semi-arid climate at that location should optimize the control of airborne pollutants.

Respectly,

WC Fairbank

William C Fairbank, PE

Response to Comment 67-1

Comment acknowledged.

COMMENT LETTER 68

RECEIVED
JUL 10 1996
RIVERSIDE COUNTY PLANNING DEPARTMENT

JUL 09 1996

Hemet CA.

7-6-96

Ms. Kay Caniceros,

Please vote for Eagle Mountain Landfill & Recyeling Center. Will help County economay & put people to work.

Thank you

Myrtle Fister

* Need Place fall all Trash

Ralph - Myrtle Fister
1295 So. Cawston #277
Hemet, CA 92545

Response to Comment 68-1

Comment acknowledged.

COMMENT LETTER 69

Get Eagle Mountain started, everyone has wasted enough time. I'm all for it!

Nancy Fortuna
355 B Pasco Circulo St.
Cathedral City, CA.
92234

Response to Comment 69-1

Comment acknowledged.

COMMENT LETTER 70

Dear Friend:

RECEIVED
AUG 30 1996
VERSIDE COU

I am writing as a supporter of the Eagle Mountain Landfill Project.

The OPPONENTS base their arguments on FEAR OF THE UNKNOWN and THE WHAT IF THEORY which has NO FACTS and uses MYTHICAL theories or FEAR TACTICS.

LETS FACE THE FACTS:

1. • Joshua Tree National Monument has been upgraded to a National Park. This is commendable for the protection of the wilderness area but DOES NOT CHANGE ITS USE.

2. • Air Pollution – Fact: any movement of trash will to some degree pollute the air within the movement area whether here or elsewhere.
   • The pollution will occur in a very remote area and transportation of the trash will be in air tight containers.
   • The mine operated for about 40 years with many times the pollution and did not cause any lasting effects to the area or health of the area population.
   • Trash has to be hauled from one locale to another so transportation pollution would occur regardless of where it is hauled. THIS WILL BE IN SEALED CONTAINERS

3. • The area has never had an earth splitting earthquake and is not located on a fault. Therefore it is the safest place and will have a HI-TECH liner which would be many times safer than anything we now have, and is of th e latest available materials and design.

4. • FACT: during World War II Camp Young was in the area and shot, killed or destroyed almost anything that moved - including the wild life which has made a remarkable comeback, including the desert tortoise. The tortoise has the same basic desires as rabbits but are not rabbits–just give them time.

5. • The recycling efforts are fine and could extend the time it would take to fill the cavity left from the mine which is good. But it WILL NOT stop the leaking–polluting–landfills we now have which are and will continue to cost us millions to clean up and are being filled with more polluting trash which is just adding to the problem.

Before making any adverse decisions based on the opponent's WHAT IF and ungrounded SCARE STATEMENTS I would suggest you take a visit to the site and face the FACTS. This is NOT A POLITICAL issue, it is our NEEDS NOW AND IN THE FUTURE.

Call 1(800) 253-0597 and make arrangements for a tour or to get information giving the FACTS.

BE INFORMED – DON'T BE IGNORANT.

Yours Truly,

Donald O. Fraker
1295 Cawston Avenue #111
Hemet, CA 92545

Response to Comment 70-1

Comment acknowledged.

EAGLE MOUNTAIN LANDFILL PROJECT

- **POTENTIAL ENVIRONMENTAL IMPACTS ARE MINIMAL**

  -Majority of the impacts are insignificant
  -Most of the impacts can be reduced with mitigation
  -The proposed mitigations have proven to be effective

- **THE SITE IS IDEAL**

  -The site is devastated from over 40 years of mining operations
  -The project will reclaim the site and restore it to near original contours
  -The area is dry with less than 4 inches of annual rainfall
  -The site is remote, isolated from population centers
  -The site is easily accessible from major highways and by rail

- **THERE IS A NEED**

  -Landfills are filling up and threatening the environment today
  -Eagle Mountain is an environmentally superior project compared to conditions at existing landfills which are unlined and/or leaking
  -The Southern California region will need at least two and probably three regional, remote sites like Eagle Mountain in the next 20 years

- SUPERIOR ENVIRONMENTAL PROTECTIONS

  -No odor, dust or blowing trash
  -The small working area and daily soil cover of the waste will protect natural resources
  -An army of engineers have studied the site and concluded it is safe
  -The liner system has proven effective in protecting water quality
  -The liner system is more protective than necessary for the non-hazardous solid waste going into the landfill
  -The gas monitoring and collection system will protect the air and water
  -There are multiple back-up systems to monitor and protect the environment
  -There are no active earthquake faults near the site
  -There are no significant impacts to threatened or endangered species
  -The project will create an environmental mitigation trust fund, up to $6 million per year, for the purchase of open space and valuable habitat

-All waste coming to the site will be transported in the most environmentally sensitive manner possible
-The sealed and locked rail containers will be designed to protect the environment

- **JOBS ARE CREATED AND THE ECONOMY IS ENHANCED**

- The project creates 1530 new, year-round, family wage jobs for the life of the project
- $ 3.3 billion in overall economic activity will be created by the project over the first 20 years

- **NEW REVENUE FOR FINANCIALLY STRAPPED STATE AND LOCAL GOVERNMENT**

-Riverside County is facing a $45 million budget deficit

-Eagle Mountain will create new revenues to offset declining income for the County (all $ figures are for the first 20 years of project)
- $ 164 million in new fees to Riverside County
- $ 72 million in environmental mitigation fees
- $ 13 million in property taxes
- $ 6 million in sales taxes
- $ 9 million in other fees

- $ 158 million in fees to the State of California for recycling and financial guarantees to assure proper operation and closure for the site

- **RESTORES BENEFITS TO 7000 KAISER RETIREES**

The project will restore lost medical benefits to 7000 Kaiser retirees who are trying to fund their own retirement health and pension benefits through their ownership in Eagle Mountain rather than relying on government welfare programs.

- **ALLOWS EXISTING LEAKING LANDFILLS TO CLOSE**

Eagle Mountain is the most technically advanced landfill design in Southern California. Only four of the 24 major landfills in Southern California have been designed to comply with current ground water protection and other state and federal environmental regulations. Without environmentally superior options, existing leaking landfills will remain open.

FUTERER INVESTMENTS
655 No. Palm Canyon Rd. • Palm Springs, CA 92262 • (619) 322-3722 * [illegible]

RECEIVED
AUG 2 9 1996
'VERSIDE COU
'ING DEP'

August 26, 1996

TO: Mr. David Mares
County of Riverside

RE: Eagle Mountain Landfill & Recycling Center

It is my firm belief that the Eagle Mountain Project is so overwhelmingly Safe, Environmentally Correct, and Superior to any other Landfill & Recycling Project to come under consideration in the last 50 years, that it is Superfluous to Comment on Perfection!

Instead, we should all ask ourselves; Is it fair that a very small, vocal group should be able to STOP Highway Construction, Flood Control Projects, Irrigation Projects, Landfill & Recycling Centers, etc. which are 'All In The Public Good'?

W. K. Futerer

W. K. Futerer

Letter to: Joan Oxendine
Richard Daniels

Response to Comment 71-1

Comment acknowledged.

COMMENT LETTER 72

RECEIVED
SEP 03 1996
VERSIDE COU
AUG 2 9 1996

From:
Bob Glover
40791 Brock Ave
Hemet, Ca. 92544

To:
Ms. Kay Ceniceros
Riverside County Board of Supervisors

Subject:
Eagle Mountain Landfill and Recycling Center

The above project is a step towards solving our very real waste problem. The pluses for this project far out weights the minuses. I'm sure your familiar with all the pros and cons and I strongly encourage you to support this project, it is very important. Also important is making sure that strict oversight is included. Don't give out a blank check that can be filled in sometime in the future.

Bob Glover

Response to Comment 72-1

Comment acknowledged.

COMMENT LETTER 73

Catherine Oakes Gonzalez
215 N. Debby Drive, Palm Springs, CA 92262

July 24, 1996

Attn: Joan Oxendine
Bureau of Land Management
California Desert Disytrict
6221 Box Spnngs Boulevard
Riverside, CA 92507

Dear Ms. Oxendine:

Since its concept phase quite a few years ago, I have felt that the Eagle Mountain Project was something extremely important for our very large and growing County. We are in a position to build something that is not only immensely needed, extremely well planned and tested, but also something that over the years will return this devastated area to its near original contours. What more can we ask when it comes to urgent projects which will provide more than fifteen hundred new jobs and will create over three billion in economic activity during the first twenty years alone?

If we add to the above that the project will restore benefits to 7000 Kaiser Retirees and will allow us to close existing, leaking landfills, it seems to me that we have a definite WIN-WIN situation.

Please give the Eagle Mountain Project your backing after considering all that it has in its favor.

Thank you very much for taking the time to read my letter.

Sincerely,

Catherine O. Gonzalez

Response to Comment 73-1

Comment acknowledged.

COMMENT LETTER 74

CLIFFTON H. GRAY, JR.
4464 EDGEWOOD PLACE • RIVERSIDE, CALIFORNIA 92506 • TELEPHONE (~~714~~) 684-0437

UG 2

August 26, 1996

County of Riverside
Attn: David Mares
4080 Lemon St. - 9th Flr.
RIVERSIDE CA 92501

Subject: Eagle Mountain Landfill

Dear Mr. Mares:

Again we raise our voices in support of the subject landfill.

It certainly is a perfect example of RED TAPE by the goverment.

We reiterate: California needs the landfill. Where to go with our waste?

California needs the jobs.

Now we're retired State employees; we can make our personal opinions known.

Hopefully, we can personally attend Supervisors meeting.

Sincerely yours,

Cliff and Wilma Gray

/w

CALIFORNIA REGISTERED GEOLOGIST 1047 / CERTIFIED ENGINEERING GEOLOGIST 415

Response to Comment 74-1

Comment acknowledged.

COMMENT LETTER 75

July 23, 1996

Attn: Joan Oxendine
Bureau of Land Management
California Desert District
6221 Box Springs Blvd.
Riverside, CA 92507

Subject: Eagle Mountain Landfill and Recycling Center.
Mine Reclamation Corporation

I have followed the processing of this project for several years including reading the many studies submitted to the various agencies having jurisdiction over its approval.

It is my professional opinion it has met every criterion and should be approved as quickly as possible.

Sincerely,

Ralph Guidero

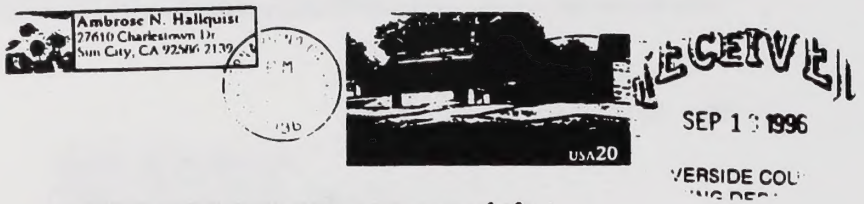
Ralph Guidero
Architect/Retired
California Lic. No. C14450

Copies to:
Riverside Co. Planning Dept., Riverside County
Bureau of Land Management, Riverside County
Each supervisor, Riverside County, Riv. Co.
Mine Reclamation Corp, Palm Desert, CA

Response to Comment 75-1

Comment acknowledged.

COMMENT LETTER 76



Mr Kay Cameron. 3rd Dist Supv.
4080 Lemon St 14th Floor
Riverside. CA- 92501

Dear Lady
I hope and pray
that I am write for
the Eagle Mtn landfill.
I'm more the landfill
will be a blessing to
So. Cal. in many ways.
Maybe our wells as well
some day give us
clean drinking water
again.

Sincerely,
Ambrose Hallquist

SEP 11 1996

Response to Comment 76-1

Comment acknowledged.

COMMENT LETTER 77

JUL 3 0 1996

July 23, 1996

RECEIVED

AUG 0 1 1996

RIVERSIDE COU
PLANNING DEPT

Supervisor Kay Ceniceros, 3rd District
4080 Lemon Street, 14th Floor
Riverside, CA 92501

Dear Supervisor Ceniceros:

With reference to the Eagle Mountain Waste Disposal Project, Kaiser Eagle Mountain Mine operated for forty years. This consisted of heavy equipment, shovels, trucks and bulldozers, crushers and blasting going on twenty four hours a day - covering everything for miles with dust and pollution. This did nothing to endanger Joshua National Monument. Bighorn Sheep lived and thrived in the adjacent area. Disposal of waste operations at Eagle Mountain with its state of the art construction and operation, enclosed containers, etc. would produce very little, if any, dust and pollution to the surrounding area.

We have lived and worked at Eagle Mountain and the surrounding area for twenty five years. We have many friends in the area and have talked and discussed this project in great lengths. Except for a small group of vociferous dissidents, that you have heard or read about in the newspapers, ninety percent of the residents are one hundred percent in favor of the project, as we are, and feel that the acceptance of this waste disposal landfill project at Eagle Mountain would be one of the better things to happen to Riverside County. It is a shame it was not completed and in operation three years ago.

Disregarding the above, what are your plans for Riverside County's waste disposal when all the numerous leaking and illegal land fills throughout the county are forced to close in the next year or two? The answer is obvious -- Eagle Mountain.

Sincerely,

Mr. and Mrs. Coy Hamby
P. O. Box 143
Desert Center, CA 92239-0143

Coy Hamby

Pauline Hamby

Response to Comment 77-1

Comment acknowledged.

COMMENT LETTER 78

RECEIVED JUL 22 1996

JUL 29 1996

RIVERSIDE COU
PLANNING DEPA

July 18 1996.

Dear Sir: MS.

I am a concerned Kaiser Steel Worker, and would like for this measure of "EAGLE MOUNTAIN LAND FILL" to be approved by you.

I feel that this site is a superior project and environmently safe, and every precaution is taken, so as not to contaminate the waters near-by.

As a retired KAISER WORKER, I know I will benefit from this project as everyone else will.

A Concerned Citizen,

C Milton Hartman

C. Milton Hartman
8787 Locust Ave. Sp. 113
Fontana, Ca. 92335
Phone: (909) 823-3365

Response to Comment 78-1

Comment acknowledged.

COMMENT LETTER 79

DESERT MOBILE HOME SERVICE
72-096 DUNHAM WAY, SUITE "I"
PO. BOX 818
THOUSAND PALMS, CA 92276-0818
(619) 328-4614 • (619) 343-2228 • (619) 568-3333
FAX (619) 343-2258
Cont. Lic. 329255

September 13, 1996

Mine Reclamation Corporation
43-645 Monterey Avenue, Suite A
Palm Desert, CA 92260

Dear Sirs,

There is no doubt in my mind that the use of the old Eagle Mountain mine as a landfill is a plus both for the environment and for the local economy. Both could use a shot in the arm.

Using waste that has been monitored with the recyclables removed and put into a lined landfill is a definite improvement over what I have personally seen dumped into other landfills. Edom Hill, Lamb Canyon, Etiwanda, San Timiteo Canyon, Indio Hills and Yucaipa are a few that I have been to on numerous occasions. With exception of Yucaipa which was closed, the others are nearing their capacity and where will we go then? Most of the landfills mentioned were started with the environment as a minor factor. The major factors were convenience and keeping the smell as far away as you could from population centers.

Using only trains with exception of trucks originating here in the valley is another environmental plus. I can still see the ore trains working their way out of the valley up the Banning grade. The waste trains even if they were to weigh as much as the ore trains will be going downhill through the valley when loaded. Likewise, the Banning grade won't take much effort to traverse while empty on the return and having sealed cars both ways eliminates any odor issue.

Our economy could also use a shot in the arm. A good portion of the housing in the Eagle Mountain and Desert center area is mobile homes. Our business which is directly connected to that market took a hit back when the mine was shut down. We would not turn down a rebirth of that market area and I'm sure other trades and local businesses in general would be happy to see an economic improvement.

The use of the Eagle Mountain mine for a landfill will produce positive results in many ways. It will take an 'industrial size' wound in the earth and heal it. It will take a long period of time but during that period, other fill areas that are not sanitary could be closed. If we are concerned about any possible leakage through the liner that has been proposed for this very dry remote area, then we must do one other thing first. We must immediatly ban any and all septic tanks and leach lines because they could and probably are polluting a water supply somewhere as you read this. We need to act and react sensably about this issue. No other proposal that I am aware of comes close to reclamation of our environment to this extent as yours does. I am 100% in favor of this use of the mine and can see no clear reason not to proceed.

Sincerely,

Sid Hekman

cc: Joan Oxendine, David Mares

Response to Comment 79-1

Comment acknowledged.

8/8/96
Riverside, Ca.

The Honorable Bruce Babbitt
Would appreciate your support in the Eagle Mountain Landfill Project. This would be great for the Unemployment and also bring much needed funds to the County.

We should also look into the future and realize how Wonderfull it would be to know our great great grand children will not have to live with trash on the streets because all these Landfills we have now will be full.

As for hurting the Animals or the Environment the mine operated there for over fourty years and didn't hurt any of that. We ask for your support in this and your will have Ours.

Sincerely
Ray and Christina Heise
3886 Canterbury Rd.
Riverside, Calif.
92506

Response to Comment 80-1

Comment acknowledged.

COMMENT LETTER 81

Mr. and Mrs. Walter V. Hopkins
P.O. Box 247
Desert Center, CA 922[illegible]

August 8, 1996

RECEIVED
SEP 03 1996
VERSIDE COU
[illegible]

Ms. Kay Ceniceros, 3rd District Supervisor
4080 Lemon St., 14th Floor
Riverside, CA 92501

First of all, I would like to tell you that I worked for Kaiser Steel at Eagle Mountain from 1973 until 1982, and have been a taxpayer/property owner for 23 years.

When I worked at the mine, wildlife was abundant on the property. There were big horn sheep, kit fox, squirrels, chipmunks, lynx cats, badgers, coyotes, rabbits, several types of lizards and two types of bats. When I left in 1982, there were the same numbers of animals in the area as there were in the '70's and they all seemed unaffected by the activities at the iron ore mine.

When Kaiser was at its peak through the '70's, and through the first two years of the '80's, there were 3,600+ people living in Eagle Mountain. Most families had one car and some had two or more. They also had lawn mowers. I recently read that lawn mowers polute the air when running, just as much as automobiles do.

Kaiser had 60 heavy duty trucks running, several smaller service trucks, numerous pickups, cats, graders and front end loaders, and there was blasting seven days a week. All of the vehicles were in operation 7 days a week, 24 hours a day. Obviously the amount of nitrogen they put into the air was much more than will be emitted by the vehicles used in the proposed landfill with its smaller operation.

Joshua Tree National Park had a million and a half visitors last year. You can imagine the number of cars, campers, motor homes and 5th-wheelers that were passing through Joshua Tree, putting nitrogen into the air. If the Kaiser operations didn't affect Joshua Tree National Park, I don't see how a landfill could affect it with a lot fewer vehicles, and no daily blasting activity.

Recently there was an article by Phil Hampton in the Press Enterprise, and a letter to the editors from Donna Charpied, stressing how close the landfill would be to the Joshua Tree boundary. What they failed to mention was that there is a ridge of mountains running between the landfill and the Park that is 800 ft. above the area where the landfill activity would be, and that the prevailing winds go in the opposite direction to the Park.

I hope you will give all the facts serious consideration and make the right decision when you vote on the landfill issue.

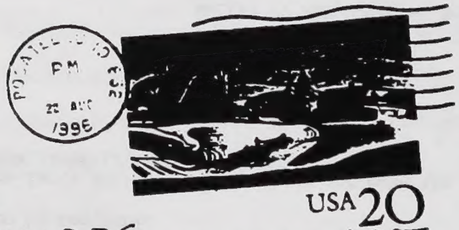
Sincerely,

Walter V. and Verda M. Hopkins

Response to Comment 81-1

Comment acknowledged.

COMMENT LETTER 82



MR. DAVE MARES PLANNING DEPT
RIVERSIDE COUNTY ADMINISTRATIVE CENTER
COUNTY ADMINISTRATIVE CENTER
4080 LEMON ST, 9 TH FLOOR
RIVERSIDE, CA 92501

8/21/96

Dear Mr Mares
My wife and I are very much in favor of the Eagle Mountain Landfill Project.

We feel this is the most sensible way to handle waste projects. We feel the advantages far outway the disadvantages.

We ask your support to approve this project.

!! We live and vote in Lake Tamarisk.

Sincerely
Ken Hornberg
PO Box 219
Desert Center CA
92239

Response to Comment 82-1

Comment acknowledged.

COMMENT LETTER 83

AUG 2 7 1996

Clifford D. Jellison
2419 Vista Drive
Upland, CA 91784-1136
909-982-7826

RECEIVED
AUG 2 9 1996
VERSIDE COU

August 21, 1996

Riverside Board of Supervisors
Ms. Kay Ceniceros, 3rd District
4080 Lemon Street, 14th Floor
Riverside, CA 92501

Dear Ms. Ceniceros:

I would like to urge you to support the Eagle Mountain Landfill Project.

I feel it has met and/or exceeded all environmental requirements and is in a location that will affect as few people as possible. This tremendous hole has already been excavated and it will hold years of trash that must be moved out of the cities. With a rail line leading directly to it, public highways will not be affected and with sealed and locked rail cars the environment should be protected to the fullest.

I am one of 7,000 Kaiser Steel retirees that lost Medical Benefits when Kaiser filed for bankruptcy. This project would greatly enhance our chances for relief.

I'm sure you are aware of the 1530 year-round jobs it will create and the $13 million of new revenue it will bring to Riverside County.

Please approve the project so we may all benefit.

Sincerely,

Clifford D Jellison

Response to Comment 83-1

Comment acknowledged.

Byron Johnson
Cherry Valley, Ca.

RECEIVED 9/3/96
SEP 09 1996
RIVERSIDE COUNTY
PLANNING DEPT.

David Mares:
Re/ Eagle Mountain Landfill
When an answer to a problem as large as So. Cals. Waste is needed.
Mine Reclamation Corporations proposal should be heeded.
Negatives have been weeded.
Positives have been seeded.
It just makes sense.

Sincerely
Byron Johnson

Response to Comment 84-1

Comment acknowledged.

COMMENT LETTER 85

RECEIVED
BUREAU OF LAND MANAGEMENT
96 SEP 23 PM 3:20
RIVERSIDE, CA

September 17, 1996

Joan Oxendine
California Desert District
6221 Box Springs Blvd.
Riverside, CA 92507

I am writing regarding the Eagle Mountain Landfill Project and the Draft of the Environmental Impact Statement and Report which has been circulated for public comment.

1 I visited Joshua Tree National Park recently and understand that this proposed landfill is to be located near the Park boundary. I recently read where some so-called environmental groups are trying to drum up opposition to the landfill project. We need to protect the environment, but we've gone way overboard. While I was in California, I visited the landfill site and looked at its location relative to the Park. This is an ideal location for a landfill. The landfill site is a scar of thousands of acreas with no use due to decades of previous mining. Who in there right mind would think that the landfill would in anyway impact the Park. Isn't the closest campsite or designated trail over 20 miles away from the proposed landfill?

I drove through the Palm Springs area along I-10, through the Park, and then through the Twentynine Palms area. Aren't there many towns and cities located closer than 20 miles from the Park and much closer to the campgrounds?

The federal government needs to stay out of development of private property. The federal government controls to much land as it is. Let California solve its problems and stay out of the way.

Thank you

H. E. Johnson, Jr.

H. E. Johnson, Jr.
8807 Silverhill Cove
Austin, Tx. 78759

Response to Comment 85-1

Comment acknowledged. As discussed in the EIS/EIR, the closest designated permanent campsite within JTNP is approximately 20 miles away from the Project site. Most of the designated JTNP campsites are 40 to 60 miles from the project site. Numerous cities and towns in the Coachella Valley lie within 20 miles of the JTNP boundary. Please refer to EIS/EIR Section 3.5, for a discussion of existing nearby land uses and Section 3.10 and 4.10 for a description and analysis of recreational facilities.

COMMENT LETTER 86

Ms. Kay Ceniceros, 3rd District
4080 Lemon St, 14th Floor
Riverside, CA 92501

July 17 1996

Dear Sir,

I am writing to register my support for the project to locate a waste disposal landfill operation at Eagle Mountain, as proposed by Mine Reclamation Corp.

It cannot be doubted that such a facility will be needed somewhere, and locating it there makes good sense environmentally. I would favor it more if as a condition for approval, the enlargement of El Sobrante and importation of waste from outside outside Riverside County , would be dropped.

I would hope that along with this plan, there would be a restriction of any new residential development for at least ten miles from the site, and an encouragement of industrial development by firms from within the LA basin who contribute substantially to air pollution in the basin, and/or have large volume waste.

Thank you for your consideration.

Lowell Johnson
571 Oriole
Corona, 91719

RECEIVED
JUL 23 1996
RIVERSIDE COU
NING DEPA

Response to Comment 86-1

Comment acknowledged.

COMMENT LETTER 87

STEVE H. JONES
PO BOX 246
DESERT CENTER CA 92239 **stevej8460@aol.com**

September 3, 1996

Henri R. Bisson
Bureau of Land Management
California Desert District
6221 Box Springs Blvd.
Riverside CA 92507

Re: Eagle Mountain Landfill and Recycling Center

Dear Mr. Bisson:

I have been a resident of the communities of Eagle Mountain and Desert Center for 29 years. During this time I have seen the rise and fall of the community of Eagle Mountain several times. The latest proposal to build a landfill with recycling centers in the communities of origin may be the best plan for waste that has ever been proposed solving the problem of disposal.

I feel the impact of additional people to the community is insignificant as there are very few people in the area. The few people living in Eagle Mountain working for the local prison only stay a few months as they are being trained for higher paying jobs elsewhere. Those that I have talked with welcome the Landfill project and would probably apply for a job at the Landfill.

Living and working in this area for the last 29 years has allowed me to explore the mountains and the desert floor while working. Part of my job takes me into the mountains, along Kaiser Road and the old Eagle Mountain Road sometimes daily. I understand that a concern of environmentalists is the desert tortoise. I have never seen a desert tortoise in any of these areas in 29 years. I to am an environmentalist and as a child living in Twenty-nine Palms we had tortoises coming through our yard several times a year. In the Eagle Mountain area tortoises are not plentiful and I feel it is not the people, trains, freeway, roads or any other manmade impediment. It is too hot here and they do not like living in this area.

Support for the Eagle Mountain Landfill and Recycling Center is easy for me to understand. Driving to Riverside, I pass many unlined landfills right on the largest earthquake fault in the State of California. These unlined overfilled landfills should be stopped immediately. I refer to Mecca, Coachella and Edom Hill as landfills that are a significant danger to the entire Coachella Valley and maybe all of Southern California. We need an environmentally responsible project to sort, recycle and store the waste generated for years to come. The Eagle Mountain Project is just such a project.

I attended the public hearings for the project in Lake Tamarisk and Yucca Valley. I heard residents of Yucca Valley say that it would ruin the lifestyle of the people there. The project

Response to Comment 87-1

Comment acknowledged.

could not affect the people of Yucca Valley. I felt that the opposition presenters at the Yucca Valley hearing were not very well informed of the project, its placement, its purpose and the environmental controls that are going to be placed on the system. One suggested that trash from Mexico might be imported to the site. A reasonable person knows that disposal costs would prohibit any export of waste from Mexico to the United States. As that same reasonable person knows they have plenty of vacant land in Mexico (Baja California) and if they don't want it they just put it in the New River and ship it out of their country free.

We must be serious for the problem of waste disposal has not been planned very well until the last few years. At the public hearings I listened to the people of the communities of Eagle Mountain and Desert Center speak in support of the Landfill project. I have attended all public hearings held in the Desert Center area since the project was first announced over 10 years ago. I am convinced that the project is needed and represents the best technology today to safeguard our environment and solve our landfill and recycling problems. I applaud the Mine Reclamation Corporation for taking this very serious issue and having the courage to fight for the right reasons.

We need to have environmentally superior landfills. Landfills that meet and exceed the ground water protection. We need a landfill that meets the County, State and Federal Environmental regulations without fail. We need the Eagle Mountain Landfill and Recycling Center. The exchange of land for this project should be a top priority to get this much need project on the right track. I support the project and would like your support of the project as well.

Thank You,

Steve H. Jones

Steve H. Jones

CC. Aleta J. Laurence, Planning Director
County of Riverside
Mine Reclamation Corporation

COMMENT LETTER 88

Rowland C. Lawver
25621 Cherry Hills blvd.
Sun City, Ca. 92586

July 18, 1996

Ms. Joan Oxendine
Bureau of Land Management
California Desert Center
62212 Box Springs blvd
Riverside Ca. 92507

The following comments are submitted for the public review of the environmental analysis of the Eagle Mountain Landfill and Recycling Center project.

This project should have been approved, and active at the time mining ceased to preserve tax paying assets,employment, and assure continued envirronmental protection.

The project remains valid today for the same reasons and doubly important in view of the National Defense reduction of forces and closure of bases.

Adequate technical and financial steps are in place to answer the 'what ifs','maybes', and 'it could happen's'. Man with his civilization is the intruder into the pristine worold of the past. The flora and fauna has changed and will continue to change .

Rowland C. Lawver

Response to Comment 88-1

Comment acknowledged.

COMMENT LETTER 89

RECEIVED
AUG 0 1 1996
RIVERSIDE COU
PLANNING DEPT

JUL 3 0 1996

July 22, 1996

Ms Kay Cenceron 3rd district
County Supervisor
4080 Lemon St.
14th floor
Riverside, Calif.
92501-3651

Dear Supervisor:

We are writing to you as fifty-year residents and voters in Riverside County, asking you to vote in favor of the Eagle Mountain Landfill Project.

Economically, we don't think there has ever been any doubt that this project is very good for the residents of Riverside County.

Environmentally, we have long felt that the environmental benefits dwarf the very limited potential hazards. However, a San Diego judge ruled that there was a need for a more comprehensive environmental impact report. The revised report has been completed and it clearly agrees with our perception.

Please, let's stop wasting money and endangering our environment by listening to the complaints of a few very vocal opponents. Let's promptly approve the project and get the landfill project underway.

Thanks, in advance, for your support.

Sincerely,

Mr. & Mrs. Robert E. Lee
4141 Linwood Place
Riverside, Calif.

Response to Comment 89-1

Comment acknowledged.

COMMENT LETTER 90

8/23/96

RECEIVED
BUREAU OF LAND MANAGEMENT
96 AUG 26 PM 1:09
CALIFORNIA DESERT DISTRICT
RIVERSIDE, CA.

Joan Oxendine
California Desert District
6221 Box Springs Blvd.
Riverside, CA 92507

RE: Eagle Mountain

Kaiser Steel laid rail tracks from the Salton Sea area to the Mine and then for years they hauled full car loads from the mine - up through the Coachella Valley to their plant in Fontana. To my knowledge no group or person complained about the train tracks being laid nor about the long trains, each car loaded with ore, trying to climb uphill to Fontana. The desert turtle go along fine. The four or five locomotives needed to pull these ore cars uphill sprayed smoke. What is amazing - for twenty plus years of this smoke and possible train wrecks - I have never heard of a complaint.

Now we are going to get the most environmentally perfect landfill and we get all of these concerns. Remember, the car loads of trash from LA and Orange County will be rolling downhill through the Coachella Valley - over the same tracks the ore was hauled up-hill on. The trash will be placed in a hole in the ground that will be the most scientifically prepared ever engineered.

Most of the people complaining about the Eagle Mountain project who live in that area have cess pools for their sewage. These cesspools are doing more harm to our water system and air pollution than this project ever will.

We need this project so we can close down the leaking landfills in our area - which have NO earthquake protection - which is even more of a danger to the water table.

If they are not permitted to get started soon, where do you propose to let someone put the trash? If the Imperial Trash Project does get approval, they will use the tracks through out valley and there will be no financial benefit for us.

Art Linnemeyer
35-220 Warm Springs Dr.
Palm Desert, CA 92260

Response to Comment 90-1

Comment acknowledged.

COMMENT LETTER 91

Mr. and Mrs. Frank Ludwig
7274 Goldboro Lane
Riverside, CA 92506

BUREAU of LAND MANAGEMENT
JOAN OXENDINE 15 JULY 96

DEAR JOAN:

We the TAXPAYERS of the STATE of CALIFORNIA need the EAGLE MOUNTAIN LANDFILL PROJECT approved.

New JOBS will be CREATED, Revenue will flow to STATE & local GOVERNMENTS. IS A good SITE with built in ENVIRONMENTAL PROTECTION. We have A CRITICAL SHORTAGE of qualified LANDFILL. If this PROJECT is APPROVED, consideration can be given to closing down old LEAKING LANDFILLS.

There is little on this EARTH that is perfect. This SITE is NOT perfect however, the ENVIRONMENTAL impacts ARE AT A minimum.

We the TAXPAYERS solicit your SUPPORT

SINCERELY
Frank Ludwig Col. USAF (Ret)

Response to Comment 91-1

Comment acknowledged.

COMMENT LETTER 92

July 20, 1996

Ms. Joan Oxendine
Bureau of Land Management

Dear Madam:

Mrs. Marlin and I took a local group up to Eagle Mountain landfill and recycling center for a tour of the abandoned iron ore mine.

The seven people that attended the tour, I believe, would agree that this is the most ideal location and the answer to Southern California's waste disposal crisis.

We trust you will support this worthy project.

Sincerely,

Wm. L. Marlin

Margaret Marlin

77205 Avenida Fernando
La Quinta, CA 92253

Response to Comment 92-1

Comment acknowledged.

ROEL

July 17, 1996

FACSIMILE TRANSMITTAL
(909)686-2909

The Honorable Kay Ceniceros, 3rd District
Riverside County Board of Supervisors
4080 Lemon Street, 14th Floor
Riverside, CA 92501

Dear Ms. Ceniceros:

I am writing in support of the proposed Eagle Mountain Landfill project. I believe that the draft environmental impact analysis has adequately addressed potential impacts.

The Eagle Mountain project includes superior environmental protections including groundwater protection systems with multiple back-up systems to monitor and protect the environment. Numerous scientists have studied the site and the surrounding area and concluded that it is safe and that there are no active earthquake faults nearby. There are no significant impacts to threatened or endangered species as a result of the project.

Finally, it is important to note that without the Eagle Mountain project we will be forced to continue using existing unlined and leaking landfills. Eagle Mountain will allow existing problem landfills to close and provide an environmentally superior option.

The new environmental documents are clear - Eagle Mountain will not significantly impact the environment. The project makes sense. I believe that the Bureau of Land Management should approve the land exchange required for the proposed project and Riverside County should approve the landfill project as proposed.

Sincerely,

ROEL CONSTRUCTION CO., INC.

Diana Martinez
Marketing Consultant

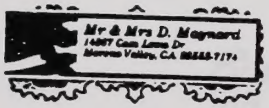
RECEIVED
JUL 23 1996
RIVERSIDE COUNTY
PLANNING DEPARTMENT

cc: Richard Daniels

ROEL CONSTRUCTION COMPANY, INC. • 78-401 HIGHWAY 111, SUITE "S" • LA QUINTA, CA 92253 • (619) 564-0322
FAX (619) 564-7830

Response to Comment 93-1

Comment acknowledged.



MR DAVID MARES
GARBAGE will NOT
GO AWAY, SO LETS GET
ON AND APPROVE THE
EAGLE MOUNTAIN PROJECT
Dmagnard

Response to Comment 94-1

Comment acknowledged.

COMMENT LETTER 95

7-28-96

RECEIVED

AUG 01 1996

RIVERSIDE COUNTY PLANNING DEPARTMENT

Riverside County Planning Dept.
County Administrative Center
4080 Lemon Street, 9th Floor
Riverside, Ca. 92501

Mr. Dave Mares:

As a strong supporter and advocate of the Eagle Mountain Landfill project, I earnestly suggest you give your approval and help this project to completion as soon as possible.

Respectfully,
Charles J Miller
32640 Las Encinas Rd.
Temecula, Ca. 92592

909-676-6371

Response to Comment 95-1

Comment acknowledged.

COMMENT LETTER 96

Redlands, CA
12 Sept 96

RECEIVED
SEP 16 1996
RIVERSIDE COU
ING DEP

David Mares
County of Riverside
Dr Mr. Mares

Attached for your information is a copy of a letter which I wrote to the San Bernardino Sun. This article is in support of the Eagle Mountain Project and was written in answer to a previous article in the paper which opposed the landfill.

I believe the Eagle Mountain Project is beneficial as outlined in my letter and can only urge that you give it your support also.

Thank you for your consideration.

Jane Mullin

Redlands, CA
25 July 1996

Voice of the People
The Sun
San Bernardino, CA

Comments in the article stating that the proposed Eagle Mountain landfill and recycling project would harm Joshua Tree National Park are ludicrous. The landfill would in no way be detrimental to Joshua
1 Tree. Eagle Mountain at one time shipped two trains daily, each containing 100 cars of 112 tons of iron ore and pellets from the Kaiser Steel mine. Eagle Mountain was a thriving mine, pellet plant as well as livable community. No damage what so ever was done to Joshua Tree.

The proposed landfill project would renew the economic life of Eagle Mountain and benefit the entire
2 Riverside-San Bernardino County area. Additionally, all of Southern California would benefit as a result of billions of dollars of increased economic activity and newly created jobs.

The environmental protections required of this
3 project are monumental. Everything anyone could possibly think of to protect the project site and adjacent areas has been planned out. All of this has been documented and is available to the public.

This abandoned iron ore mine site matches perfectly
4 with this landfill project. Plans are to restore the area to original contours of this remote area.

This project will not hamper any of the visitors in Joshua Tree Park. Campers in the park will certainly
5 not have to camp or hike by loaded trains hauling to the landfill. They would not even be in the same vicinity. Adjoining campsites and landfill operations are not part of this project and no reasonable person knowing

Response to Comment 96-1

Comment acknowledged.

Response to Comment 96-2

Comment acknowledged.

Response to Comment 96-3

Comment acknowledged.

Response to Comment 96-4

Comment acknowledged.

Response to Comment 96-5

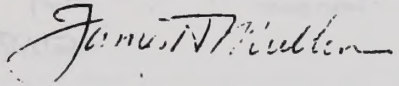
Comment acknowledged.

the facts would claim so.

The landfill can only benefit Southern California while doing no harm. In fact, it will permit the closing of several odher landfills which are either full or more detrimental to the environment. 6

You could not ask for any better use for this property and the project deserves everyone's support.

James H. Mullen



80 Lakeside Ave.
Redlands, CA
(909) 793-7818

Response to Comment 96-6

Comment acknowledged.

COMMENT LETTER 97

David Mares— 9/10/96

I would like to express my concern on the Eagle Mountain Project. I feel the people on this project have gone out of their way to meet the publics concerns. It will be a worthwhile project. Robert Nibecker

Mr. Robert Nibecker
30276 Avenir Way
Sun City, CA 92584

RECEIVED
SEP 13 1996

USA20

David Mare
County of Riverside

Response to Comment 97-1

Comment acknowledged.

COMMENT LETTER 98

RECEIVED
JUL 29 1996
RIVERSIDE COU
NING DEPA

July 23, 1996

Riverside County Planning Department
ATTN: Dave Mares
County Administrative Center
4080 Lemon Street, 9th Floor
Riverside, CA 92501

Dear Mr. Mares:

I fully support the Eagle Mountain Landfill and Recycling Center.

Southern California needs a facility that is remote and environmentally superior to take care of the mountains of trash that our present landfills will not be able to handle much longer.

I have toured the Eagle Mountain landfill area, and there is no more logical spot for the type of operation planned. There are no close neighbors to offend, and from the precautions Mine Reclamation Corporation is taking, there will be no ground water pollution problems.

Reference concerns from Joshua Tree National Park enthusiasts: The dump site cannot be seen. The closest paved road within the Park is about 16 miles from the site, and the closest dirt road is about six miles.

I can see a very positive economic effect if this project is brought to fruition as rapidly as possible--both in waste disposal and Riverside County jobs.

Sincerely,

Donald J. Odenbach
1258 Marion Avenue
San Bernardino, CA 92407

cc: Mine Reclamation Corporation

Response to Comment 98-1

Comment acknowledged.

COMMENT LETTER 99

July 23, 1996

Bureau of Land Management
ATTN: Joan Oxendine
California Desert District
6221 Box Springs Boulevard
Riverside, CA 92507

Dear Ms. Oxendine:

I fully support the Eagle Mountain Landfill and Recycling Center.

Southern California needs a facility that is remote and environmentally superior to take care of the mountains of trash that our present landfills will not be able to handle much longer.

I have toured the Eagle Mountain landfill area, and there is no more logical spot for the type of operation planned. There are no close neighbors to offend, and from the precautions Mine Reclamation Corporation is taking, there will be no ground water pollution problems.

Reference concerns from Joshua Tree National Park enthusiasts: The dump site cannot be seen. The closest paved road within the Park is about 16 miles from the site, and the closest dirt road is about six miles

I can see a very positive economic effect if this project is brought to fruition as rapidly as possible--both in waste disposal and Riverside County jobs.

Sincerely,

Marjorie J. Odenbach

(Mrs.) Marjorie J. Odenbach
1258 Marion Avenue
San Bernardino, CA 92407

cc: Mine Reclamation Corporation

Response to Comment 99-1

Comment acknowledged.

COMMENT LETTER 100

August 24, 1996

Mr. David Mares
Riverside County Planning Department
County Administrative Center
4080 Lemon Street, 9th Floor
Riverside, CA 92501

Dear Mr. Mares:

My husband and I wrote to you last month regarding the Eagle Mountain Landfill and Recycling Center.

The Eagle Mountain project is one we definitely need. This remote site has a superior, environmentally-correct disposal capacity.

We have toured the whole facility. We were very impressed with their safety factors, long-range planning and vision toward the future.

Now is the time to make some final decisions and get this show on the road!

Sincerely,

Donald J. and Marjorie J. Odenbach
1256 Marion Avenue
San Bernardino, CA 92407
(909) 887-2027

cc: Mine Reclamation Corporation

Response to Comment 100-1

Comment acknowledged.

RECEIVED
SEP 04 1996
RIVERSIDE COUNTY PLANNING DEPT.

Mrs. Patricia Ommert
~~P.O. Box 469~~
Temecula, CA ~~92390~~ 92592

September 2, 1996

Mr. Dave Mares
Riverside County Planning Dept.
4080 Lemon St. 9th Floor
Riverside, CA 92501

re: Eagle Mountain

Dear Mr. Mares:

I am writing to you at this time to urge the Planning Department and all Agencies involved to Approve the Eagle Mountain Landfill and Recycle Center. We have been following the Project for over two years. Having been out to the area of the ~~site~~ in Desert Center, I feel that with the proper preparation, this should be the ideal location and Alleviate the "dumping of trash" problem for many Generations.

Sincerely,
Pat Ommert
43250 Los Corralitos Rd
Temecula, Ca. 92592-9[illegible]

909 [illegible] 676 3501 LOS CABALLOS FARM 43 250 LOS CORRALITOS RD

Response to Comment 101-1

Comment acknowledged.

COMMENT LETTER 102

Consultant Equine
Medicine and Surgery

43-250 Los Carnelitos Road
Temecula, CA 92592-9013
(909) 676-3581
FAX (909) 676-3984

Willard D. Ommert, D.V.M.

RECEIVED

SEP 04 1996

'VERSIDE COU'
'ING DEP'

Attn: Dave Mares
Riverside County Planning Department
4080 Lemon Street, 9th Floor
Riverside, CA 92501

Re: Eagle Mountain Landfill

Gentlemen,

For two years, now, I have watched the public process and planning for the Eagle Mountain Landfill and Recycling Center. I feel that all necessary and sometimes redundant procedures have been faithfully and honestly accomplished with more than adequate diligence and restraint.

It is now time for the political process to stop dragging its feet, shift into high gear and get this most important project underway to becoming a reality.

This project is as close to a win-win situation that can possibly come before the board and I enthusiastically recommend all to give it a big push.

The landfill and recycling center is so badly needed, would replace other contaminating projects, would create new jobs, provide the county with usable revenue and the mitigation should even satisfy the environmentalists.

I urge your full support for this most important project.

Sincerely,

Willard D. Ommert, DVM

Willard D. Ommert D.V.M.

9-1-96

Response to Comment 102-1

Comment acknowledged.

BUREAU OF LAND MANAGEMENT
97 AUG 12 PM 3:04
RIVERSIDE, CA.

COMMENT LETTER 103

76 Pebble Beach Dr
Sun City, Ca. ~~92586~~
92586

Ms Joan Erendine
Bureau Land Management
California Desert District
6221 Box Springs Blvd.
Riverside Ca. 92507

RE- Eagle Mountain

Madam-Sir:

In view of the inescapable need for such things - I see no reason why an already existing ugly hole in the ground should not be used for that purpose i.e (landfill) -

Yours truly
A. Palombi

Response to Comment 103-1

Comment acknowledged.

COMMENT LETTER 104

RECEIVED
JUL 29 1996
RIVERSIDE COUNTY
PLANNING DEPARTMENT

R.P.Paradis
38685 Via Taffia
Murrieta, CA 92563

July 18, 1996

Attn: Ms. Kay Ceniceros
4080 Lemon Street, 14th Floor
Riverside, CA 92501

My wife and myself urge you to do everything you can to finalize the approval of the Eagle Mountain Landfill and Recycling Center.

The present landfills in Riverside County are not in the best interest of the environment and should be closed. The Eagle Mountain project will better protect our environment while increasing Riverside County revenue.

For a change, lets get all the County Agencies involved and the Board of Supervisors together for approval of this project! **NOW!**

Sincerely,

R P Paradis

Mr. & Mrs. R. P. Paradis.

Copies to: Dave Mares
Riverside County Planning Department
County Administrative Center

Joan Oxendine
Bureau of Land Management
California Desert District

Richard A. Daniels
Eagle Mountain Landfill & Recycling Center
Coachella Valley Corp. Office.

Response to Comment 104-1

Comment acknowledged.

COMMENT LETTER 105

5011 Granada Ave.
Riverside, CA 92504
August 4, 1996

Joan Ozendine
Bureau of Land Management
California Desert District
6221 Box Springs Boulevard
Riverside, CA 92507

Dear Joan Ozendine:

The Eagle Mountain Landfill and Recycling Center project is a most worthy and important venture. The need for adequate, safe waste disposal is tremendous. Corporation members, under the leadership of Pres. Richard A. Daniels, have proposed, studied, presented, revised, advocated, and evaluated the project. Truly, it is of merit and needs your support. Today's waste and tomorrow's waste disposaling depend upon your present day affirmative decision.

Yours truly,
Maribeth Peck

Copies to:

Mrs. Maribeth Peck
5011 Granada Ave.
Riverside, CA 92504

1) Richard A. Daniels
President and Chief Executive Officer
Eagle Mountain Landfill and Recycling project

2) Dave Mares
Riverside County Planning Department
County Administrative Center

3) Kay Ceniceros, 3rd. District
Riverside County Board of Supervisors

Response to Comment 105-1

Comment acknowledged.

COMMENT LETTER 106

47750 Rawhide Road
Aguanga, CA 92536
July 26, 1996

Bureau of Land Management
California Desert District
6221 Box Springs Boulevard
Riverside, CA 92507

Attn: Joan Oxendine

Gentlemen:-

Having been a sanitary engineer for nearly 50 years, California License No. 124324, I have watched the Eagle Mountain Landfill Project with keen interest. These people have turned "hand springs" and have jumped through hoops to all of the various regulators' demands until it has been mind boggling.

Now, it is time to proceed with this important project without further delay as it will be very beneficial to Riverside County, filling a public need. If anyone faults the project now, they have to have a "ulterior" motive or lack of responsibility.

Sincerely,

Grant D. Piggott

Grant D. Piggott
(909) 767 1944

Response to Comment 106-1

Comment acknowledged.

COMMENT LETTER 107

August 25, 1996

Ms. Joan Oxendine
California Desert District
6221 Box Springs Blvd.
Riverside, California 92507

Dear Joan:

I am writing in strong support of the Eagle Mountain landfill project. The location is probably one of the finest in the country. It would also be the highest and best use for this gigantic hole in the middle of the desert.

The following are some of the reasons I have reached this conclusion.

1. The environmental impacts are minimal and can be very easily mitigated.
2. The site is a very remote and is a large scar on the surrounding area which they propose to reclaim.
3. The site is extremely dry averaging less than four inches of rainfall per year and this would reduce the amount of lechate.
4. There will be a significant shortage of landfill space in both Riverside County and also in Southern California ,in years to come.
5. Countless engineers have studied the site and determined it to be safe.
6. This project will provide many jobs and a great boast to the surrounding area, the county and the state.
7. It will permit the closing of many unsafe and leaking landfills across southern California.

For these reasons and many more I urge your prompt approval of this very needed and worthwhile project.

Sincerely Yours

Thomas S. Rabone

Response to Comment 107-1

Comment acknowledged.

COMMENT LETTER 108

August 6, 1996

Bureau of Land Management
Riverside, CA

RE: Eagle Mountain Landfill and Recycling Center
Draft Environmental Impact Statement/Report

Dear Sirs:

I would like to address the portion of the environmental document dealing with the potential impacts to Joshua Tree National Park.

Prior to the recent enactment of the California Desert Protection Act, the Joshua Tree National Monument was almost completely screened from the proposed landfill project area by an intervening ridge of peaks which rise to a height of some 800 feet above the highest elevation of the landfill. A portion of the extensive disturbance related to past mining activity on the property outside and to the west of the landfill project area could be seen from several locations inside the Monument.

With enactment of the Desert Protection Act, the monument was redesignated a Park and considerable acreage was added along the margins of Chuckwalla Valley from which the landfill project area can be seen. However, that increased park area can presently view, and will always view, the extensive existing disturbance of the former Kaiser mine area, the community of Eagle Mountain and the community correctional facility.

The intervening areas between the park expansions and the landfill project area and the Eagle Mountain community are currently occupied by numerous developments in plain site, including the Colorado River Aqueduct, the Eagle Mountain Pump Station of the Metropolitan Water District and its employee community, improved and unimproved roadways and their associated existing traffic, clusters of residential dwellings, four Kaiser well sites and a water storage and pumping station, the campus of the Desert Center School District, the Kaiser rail line, and numerous utility and communication corridors.

Clearly, the visual prospect from those lands added to the Park by the passage of the Act is currently impacted by these many intervening eyesores and can in no way be considered pristine.

As far as night sky pollution is concerned, the existing night sky is currently impacted by night vehicular traffic as well as the night lighting from the Coachella Valley communities and Twenty-nine Palms.

Response to Comment 108-1

Comment acknowledged. See Appendix W for a further discussion of night lighting and skyglow.

When Kaiser was operating the mine 24-hours a day, with up to 1,700 employees, moving lights related to extensive fleets of heavy mobile equipment and light vehicles and shovels and drills were clearly visible from various areas of the Monument. Stationary source lighting at Kaiser plants, maintenance facilities, and the community brightened the night sky adjacent to the Monument.

Currently, the correctional facility yards are well lit at night, a portion of the community is occupied and street lights are operating. Established roadways already accommodate night traffic. The concern should be the amount of additional night lighting that may result and not that the project constitutes a new light source. Moving sources of lights on the skyline which were common during the mining days will not be a factor with the landfill project.

To accommodate the Park, I understand that the landfill has agreed to use subdued lighting related to all its activities and then only lighting when necessary, and to suspend landfilling during 8 night hours and throughout Sunday nights. The extensive plant areas have all been razed to be replaced as light sources by far smaller and less lit container transfer yards and staging areas.

Park Service people who might remember the considerable impact that the mining operation had upon the night sky should consider that the scope of the two projects is greatly different with the landfill being only a small fraction of the size of the mining operations and that unlike the mining operations which were visible from fairly broad areas of the Monument, those same lands are shielded from view of the landfill by topographic screening.

All in all, the landfill project will have minimal impact on the Park. The new environmental analysis proves the point.

Sincerely,

Tom Rabone

Tom Rabone

COMMENT LETTER 109

Hemet, Ca. 92545
Sept. 10- 1996

Mr. David Marc.

RECEIVED
SEP 17 1996
RIVERSIDE COUNTY PLANNING DEPT.

Re. Eagle mountain project.

Dear Sir

Yes- We in Hemet have seen the progress of Domenigoni Reservoir - Plans are to accomodate 15 million more people.

However we DO Think Eagle Mountain project completed?

I do support Eagle mountain Project. Thinking to as many I shall have an my as I am able to talk to.

Respectfully-
Mary I. Rankin

Mary I. Rankin
35099 West Florida Avenue
Roseland Park, Space B2
Hemet, CA 92545

Response to Comment 109-1

Comment acknowledged.

COMMENT LETTER 110

RECEIVED
JUL 1 0 1996
RIVERSIDE COUN
ING DEPA

1375 ORCHARD CIRCLE
UPLAND.CA. 91786

JULY 5. 1996

MS. KAY CENICEROS
RIVERSIDE B.OF S.
4080 LEMON ST.
RIVERSIDE. CA 92501

DEAR SIR:

I AM WRITING TO YOU TODAY TO SHOW MY SUPPORT FOR THE EAGLE MOUNTAIN MINE RECLAMATION PROJECT. AND FOR ITS USE AS A DUMPING GROUND FOR OUR ABUNDANT WASTE.

I FEEL THAT THE BENEFITS FAR OUTWEIGH ANY OBJECTIONS. AND I WOULD LIKE TO LIST A FEW.

MORE JOBS.
NEW REVENUE FOR THE COUNTY
OPPORTUNITY TO REPLACE RAPIDLY FILLING OLD DUMPS
PURCHASE OF OPEN LAND SPACE IN THE DESERT

THE-COUNTY CAN IMPLEMENT ANY RETRICTIONS THEY CHOOSE THAT COULD BRING ABOUT PENALTIES IN CASE THE OPERATORS FAIL TO LIVE UP TO THEIR CLAIMS OF NON-LEAKAGE ETC.

I MUST ADMIT THAT I WILL SHARE IN ANY FINANCIAL BENEFITS THAT COME FROM THIS PROJECT. AS I AM A MEMBER OF VEBA, A KAISER STEEL RETIREE, AND WE HOLD A PERCENTAGE OF THE STOCK IN KAISER COMPANIES THAT ARE PARTNERS IN THE PROJECT. BUT ITS TIME TO BLOW OUR OWN HORNS. AS WE NEED THIS TO ASSURE OUR FINACIAL FUTURES TOO.

THANKS FOR LISTENING!!!!!!!

SINCERELY.

Earl D. Ranney

EARL D. RANNEY

Response to Comment 110-1

Comment acknowledged.

COMMENT LETTER 111

JUL 3 0 1996

SUPERVISOR KAY CENICEROS:

AS A RESIDENT OF THE FONTANA AREA FOR THE LAST 48 YEARS AND A KAISER STEEL EMPLOYEE FOR 35 YEARS (RETIRED) I FULLY SUPPORT THE USE OF THE EAGLE MOUNTAIN LANDFILL PROJECT TO HELP RID SOUTHERN CALIFORNIA OF 20,000 TONS OF TRASH PER DAY.

I HAVE WITNESSED THE CLOSURE OF THE RIALTO DUMP IN THE EARLY 1970'S AND PRESENTLY SEE HOW FAST THE FONTANA DUMP IS FILLING UP. IT SEEMS THAT WE HAVE NO CHOICE BUT TO SEND THE TRASH BY RAIL TO EAGLE MOUNTAIN.

THE NEW 3,000 PAGE DOCUMENT ANALYZES EVERY ASPECT OF THE PROJECT INCLUDING THE ISSUES REQUIRED BY THE SUPERIOR COURT RULINGS AND CONFIRM OUR BELIEF IN THE EAGLE MOUNTAIN PROJECT BOTH ENVIRONMENTALLY AND ECONOMICALLY.

PLEASE! I BEG YOUR SUPPORT!

RECEIVED
AUG 0 1 1996
RIVERSIDE COUNTY PLANNING DEPARTMENT

909-875-4314

Charles G. Sabo

CHARLES G. SABO, JR
665 W. MORGAN ST.
RIALTO, CA. 92376

Response to Comment 111-1

Comment acknowledged.

COMMENT LETTER 112

9/9/96

TO : Ms. Joan Oxendine

FROM : Adam & Kathi Sheldon
concerned Citizens
Riverside County

RE : EAGLE MOUNTAIN LANDFILL

We're sure you are aware of the too many to list positive things that will transpire from allowing this critically important facility to open.So we'd like to call attention to "The Big Picture",lest we forget.

The need is not debatable.The systems to be used are the most scientific and advanced known anywhere.And the site, Heaven sent!
The evidence and facts are in.This project stands tall and passes with flying colors through all the massive scrutiny thats taken place.

For the good of the County (for starters!),it is NOW time to let it happen.Don't let the PERFECT SITE,technology,research,willing developer and OPPORTUNITY slip away.Waste site expansion is a problem that must be addressed,and we are ALL very lucky to have such an excellent solution.

Respectfully , Adam + Kathi Sheldon

Adam & Kathi Sheldon

Response to Comment 112-1

Comment acknowledged.

COMMENT LETTER 113

July 18, 1996

4606 Beatty Dr.
Riverside, CA 92506-2305

Ms. Joan Oxendine
Bureau of Land Management
California Desert District
6221 Box Springs Blvd.
Riverside, CA 92507

Dear Ms. Oxendine,

As a resident of Riverside, I have watched the progress of the Eagle Mountain project with interest from the inception. I have tried to be open-minded about it, because I am also concerned about the environment.

I have read enough information about this project to be completely in favor of it. I believe that the important issues have been satisfactorily resolved. The opponents of the project seem to be driven by their imagination and not by facts.

The people of the County of Riverside stand to benefit greatly from this project, and the risks seem to be minimal, if any. Delay could mean losing out to another county. Let's get on with it.

Sincerely,

Jim Siegmund

cc: MRC

Response to Comment 113-1

Comment acknowledged.

COMMENT LETTER 114

JOAN OXENDINE
CALIFORNIA DESERT DISTRICT
6221 BOX SPRINGS BLVD.
RIVERSIDE, CA. 92507

RECEIVED
96 AUG 26 PM 1:04
CA... DESERT DISTRICT
RIVERSIDE, CA.

AUGUST 23, 1996

DEAR JOAN:

I WISH TO ADD MY SUPPORT TO THE EAGLE MOUNTAIN PROJECT BECAUSE I BELIEVE EVERYONE IN RIVERSIDE COUNTY WILL BENEFIT IN MANY WAYS.

I BELIEVE WE SHOULD CLOSE THOSE LANDFILLS ALREADY IN USE AND LEAKING.

THIS COUNTY FOR THE LAST TEN YEARS HAS SUFFERED ENORMOUSLY FOR ENOUGH MONIES TO CONTINUE OFFERING ADEQUATE POLICE AND FIRE SERVICES TOGETHER WITH ALL THE OTHER SERVICES IT PROVIDES. THIS PROJECT WILL ALEVIATE PART OF THAT PROBLEM

EAGLE MOUNTAIN ENVIORNMENTAL STUDY HAS BEEN STUDIED BY EXPERT WITNESSES AND THEY HAVE FOUND IT TO BE SAFE. WE HAVE TRUSTED EXPERTS TO BUILD ATOMIC BOMBS AND PUT OUR PEOPLE ON THE MOON SO WHY NOT TRUST THEM FOR THIS PROJECT.

I SINCERELY HOPE THE BOARD OF SUPERVISORS WILL PERMIT THIS PROJECT TO GO FORWARD.

SINCERELY,

W.E. SIMMONS
45-455 DESERT EAGLE CT.
LA QUINTA, CA.
92253

Response to Comment 114-1

Comment acknowledged.

COMMENT LETTER 115

JUL 2 9 1996

7/17/96

(1)

RIVERSIDE COUNTY BOARD OF SUPERVISORS
4080 LEMON ST 14TH FLOOR
RIVERSIDE CALIF 92501

FYI RECEIVED
JUL 29 1996
RIVERSIDE COUNTY PLANNING DEPARTMENT

ATTEN BOB BUSTER
JOHN TAVAGLIONE
KAY CENICEROS
ROY WILSON
TOM MULLEN

RE: LANDFILL RESOLUTION

DEAR COUNTY SUPERVISORS

I HAVE BEEN READING ABOUT ALL OF THE PROBLEMS ASSOCIATED WITH THE EXCAVATION AND NOISE, DUST, TRASH, ETC SURROUNDING THE DUMP/LANDFILL NEAR TOM'S FARM IN SOUTH CORONA AREA WE NEED TO FIND BOTH SHORT & LONG TERM ANSWERS TO SOME OF THESE PROBLEMS

ONE MAJOR SOLUTION APPEARS TO BE THE EAGLE MOUNTAIN PROJECT. IT APPEARS TO BE LARGER, SAFER AND CLOSE TO ROAD AND RAIL ACCESS

THE WHOLE PROJECT HAS BEEN SCRUTINIZED THOROUGHLY. FAR MORE THAN OTHER PROJECTS.

WE NEED MORE SITES FOR THE FUTURE. EVEN WITH MANDATORY REDUCTION OF WASTE WE STILL ACCUMULATE TOO MUCH SOLID WASTE

Response to Comment 115-1

Comment acknowledged.

this EAGLE MOUNTAIN project will impact FEW PEOPLE BECAUSE of its REMOTENESS. It will ALSO REMOVE the BLIGHT LEFT from this MINING OPERATIONS

GIVEN THAT THERE will BE A POSITIVE FINANCIAL IMPACT from JOBS CREATED AND ADDITIONAL TAXES & FEES, I BELIEVE the PROJECT SHOULD BE APPROVED

ON BEHALF of MY WIFE JOYE AND MYSELF, WE URGE YOU TO APPROVED this PROJECT for the GOOD of the RESIDENTS of RIVERSIDE COUNTY. I LOOK FORWARD to A POSITIVE RESOLUTION of this ISSUE

SINCERELY,

LARRY & JOYE SLAGLE
1391 CORONA AVE
NORCO, CA 91760

COMMENT LETTER 116

PO Box 1201
Cathedral City Ca. 922
Aug 1, 1996

Joan Oxendine
Bureau of Land Management
California Desert District
6221 Box Springs Blvd.
Riverside Ca. 92507

Dear Ms Oxendine.

I support the Eagle mountain Landfill project. I have attended meetings and have driven by the site several times. From the road, I cannot even see the project. We need the landfill and Riverside County may as well benefit from it.

Thank you,
Carroll F Smith

Response to Comment 116-1

Comment acknowledged.

COMMENT LETTER 117

RECEIVED
BUREAU OF LAND MGMT
96 AUG 27 PM 12:26
8-23-96
CALIF. DESERT DISTRICT
RIVERSIDE, CA.

Joan Oxendine
California Desert District
6221 Box Spring Blvd.
Riverside, CA 92507

Dear Ms Oxendine,

I have followed the Eagle Mountain Landfill matter with both sadness and frustration. It seems as if I had been there before.

During the late sixties and early seventies Mental Health, after many decades of painstaking groundwork, finely culminated in a viable "Movement" prepared to address long neglected problems which could best be characterized as a National disgrace. Out of nowhere came a ragtag group of concerned citizens who fervently believed that Mental Healthers were disguised agents of the Soviet Union hell bent on brainwashing our unsuspecting citizens. These were well intended but woefully uninformed people. Unfortunately no one took them seriously. They were obsessed and blinded by their need for "Certainty". In the real and anxious world in which we live certainty is a standard highly valued although seldom achieved. Their basic premise was so flawed they were able to attract little support until their argument shifted to "certainty". With this new found weapon they were able to intimidate a few weak kneed local politicians. And with a few victories, not only was their resolve strengthened, but a new found credibility was established.

Response to Comment 117-1

Comment acknowledged.

Newsletters and how to do it workshops' began to proliferate. In about three years time the Mental Health Movement was dead and has remained dead. We are now paying a terrible price for this failure.

I see a similarity between what occurred with Mental Health and what is currently transpiring with Landfills. Both are unpopular and frequently viewed as undesirable but each absolutely essential in a civilized and functioning society. The issues will not go away, they will only get worse. Anyone who has tried to develop a Community Mental Health Facility will understand the true meaning of "not in my back yard".

The issues around Eagle Mountain are larger and more profound than just Eagle Mountain. They have implications for how we address garbage disposal nation wide.

Recently we in the West experienced an electrical blackout of two to three hours. Had it gone longer the results could have been catastrophic in terms of human as well as economic loss. In trying to assess cause, a panel, determined that a key power plant on the Columbia River was generating less power than usual in order to divert water to accommodate the running of chinook salmon. The plant is subject to the requirements of the Endangered Species Act. It was determined that the curtail of power saved about six endangered fish. PUC President remarked with incredulity; "We lost power for 4 million people because of five or six fish?"

Our regulatory system has become an instruction manual. It tells us and bureaucrats exactly what to do and how to do it in excruciating detail, dictating every result in advance. But it doesn't work. Human activity cannot be regulated without judgment by humans. And common sense is inexorably interwoven with each and every judgment call,

In 1970 Congress passed the Occupational Health and Safety Act. Twenty six years, 4000 detailed regulations and several hundred billion dollars later one would intuitively think some good must have been done. It hasn't. Safety in the American workplace is about the same as it was in 1970.

"The characteristic complaint of our time seems to be not that government provides no reasons, but that its reasons often seem remote from human beings who must live with consequences." Justice William Brennan.

Ms Oxendine, not just the Coachella Valley but the Nation will be living with the consequences of decisions made relative to Eagle Mountain. It is hoped that good judgment and common sense will prevail and Eagle Mountain Landfill will go forward and become a reality.

Sincerely,

William K. Smith

CC David Mares

COMMENT LETTER 118

David Marec
County of Riverside
4080 Lemon Street
Riverside, Ca. 92501

Dear Sir,

This letter is to comment on the Eagle Mountain Project. It seems to me that the Mine Reclamation Corporation has bent over backward to assure everyone of the viability and necessity of this undertaking.

We do indeed need a way to dispose of our refuse and with this project we could close those land-fills that are leaking and causing other problems. We can't keep dumping into shallow landfills that pock-mark our terrain.

The Corporation is committed to preserving open space and will fund environmental monitoring and research

I think the County and the BLM should be leading the way.

Sincerely
Margaret Sorenson

22557 Canyon Club Dr.
Canyon Lake, Ca 92587-7953

Response to Comment 118-1

Comment acknowledged.

COMMENT LETTER 119

August 20, 1996

Ms. Joan Oxendine
Bureau of Land Management
California Desert District
6221 Box Springs Blvd.
Riverside, CA 92507

Dear Ms. Oxendine:

We are writing you in the hope that you will lend your approval to the Eagle Mountain Landfill and Recycling Center Project.

We believe the project is worthwhile and will benefit Riverside County and the citizens who live here. The many reasons for asking you to approve the project are as follows:

1. The site of the project has been devastated from more than 40 years of mining operations by Kaiser. This project will reclaim the land and restore it to near original condition.

2. The area is dry with less than four inches of rainfall in a normal year.

3. The site is remote and yet easily accessible from major highways and by rail.

4. There is a need as landfills are filling up and threatening the environment today. Eagle Mountain is an environmentally superior project compared to conditions at existing landfills, which are unlined and/or leaking.

5. There are no active earthquake faults near the site and no significant impacts to threatened or endangered species.

6. All waste coming to the site will be transported in the most environmentally sensitive manner possible, by using sealed and locked rail containers designed to be safe.

7. The project will create an extimated 1,530 new, year-round, family-wage jobs for the life of the project. An estimated 3.3 billion dollars in overall economic activity will be created during the first 20 years.

(Continued)

Response to Comment 119-1

Comment acknowledged.

8. For the first 20 years, the project should create:

   a) $164 million in new fees to Riverside County;
   b) $72 million in in environmental mitigation fees;
   c) $13 million in property taxes;
   d) $6 million in sales taxes;
   e) Approximately $9 million in other fees as well as $158 million to the State of California for recycling and financial guarantees to assure proper operation and closure for the site.

9. Last but not least, the project will restore lost medical benefits to 7,000 Kaiser retirees who are trying to fund their own retirement, health and pension benefits through their ownership of Eagle Mountain.

For these and many other reasons, we hope we can count on you to help in the approval process for this important project.

Sincerely,

Elizabeth Spitz
Harry Spitz

Print name: ELIZABETH SPITZ - HARRY SPITZ
City: 859 VERONA AVE
SAN JACINTO CA 92583
Tel: (909) 654-5315

COMMENT LETTER 120

5296 Coventry Dr.
Riverside, CA 92506
July 17, 1996

Attn: Joan Oxendine
Bureau of Land Management
California Desert District
6221 Box Springs Boulvevard
Riverside, CA 92507

Dear Ms. Oxendine:

I encourage you to vote in favor of the Eagle Mountain project. What impresses me the most about this project is that unlike existing landfills which are unlined and or leaking, the Eagle Mountain is lined and would not leak, and that it plans to reclaim the site and restore it to near original countours. I also like the proposal of its gas monitoring and collection system and back up systems.

Sincerely,

Susan Stokes

Susan Stokes

Response to Comment 120-1

Comment acknowledged.

COMMENT LETTER 121

RECEIVED
BUREAU OF LAND MANAGEMENT
95 AUG 28 PM 2:02
CALIFORNIA DESERT DISTRICT
RIVERSIDE, CA

August 27, 1996

Joan Oxendine
Bureau of Land Management
California Desert District
6221 Box Springs Boulevard
Riverside, CA 92507

Dear Ms. Oxendine,

Having heard the opposition arguments at Desert Sunrise Rotary, and taken the on-site tour at the Eagle Mountain pit, and followed the discussion in the Desert Sun and the regular updates from the landfill project organizers, I want to go on record as fully in support of the Eagle Mountain Project.

I believe that this project holds out the best alternative for the landfill crisis in Southern California, by far. The environmental-impact studies have been scrupulous, detailed and repeated. It seems to me that only the alarmist crowd stands in the way with a very small minority opinion--small in vision, small in research, small in heart. In short, they have chosen to ride the wave of public disdain for good government and wise planning which is quite popular today. Having heard and read their objections, I see their posture as paranoid obstructionism.

Not that careful monitoring will be unnecessary. It will be, and the structures for it are in place. But meanwhile we are missing a sterling opportunity to build a wise model for other areas of the country whose landfills are already full.

I like the idea of recycling all useable material before compacting the residue in a lined pit far from faultlines and water table, and protected from leakage by a defensive shield.

Response to Comment 121-1

Comment acknowledged.

There will be problems unforeseen, particularly in the rail and truck transport to the dumpsite. But I think most eventualities will not bring insurmountable surprises if we move ahead with diverse representation on the governing board.

Let's get on with it. The future was yesterday, but has not passed. We can reclaim its promise even as we reclaim the resources of our wasteful society. Of all our alternatives (remembering that we used to use the ocean as dumping ground, even as the Russians sank old ships filled with nuclear toxins into the ocean off of Murmansk), Eagle Mountain stands head and shoulders above them all.

Let the malcontents have a crack at employment for the project, not to buy off their protests but as an act of reconciliation. They need a constructive outlet for their considerable energy. And we honor their active citizenship even while diverting negative energy into positive channels.

Sincerely,

Vernon L. Story

Barbara J. Story

Dr. Vernon L. Story &
Mrs. Barbara J. Story
65-862 W. 8th Street
Desert Hot Springs, CA 92240
(619) 329-2175

COMMENT LETTER 122

Hemet July 21 - 1996

JUL 24 1996

Ms Kay Ceniceros!

We sincerely would encourage you to vote favorable for the project of the Eagle Mountain Landfill and Recycling Center

The opportunity to create over 1500 all-year around jobs is a great opportunity to put people back to work and off the welfare system.

If we do have a good organized system to recicle trash and store it in a open desert place, following the enviromental recommendations, there should be no danger for polution.

RECEIVED

JUL 29 1996

RIVERSIDE COUNTY
PLANNING DEPARTMENT

Sincerely
Simon + Ada Sybrandy
4271 Wilbur Court
Hemet Ca 92544

Response to Comment 122-1

Comment acknowledged.

COMMENT LETTER 123

The Truitts
P.O. Box 147
Desert Center, CA 92239

August 8, 1996

RECEIVED
SEP 03 1996
VERSIDE COU
ING DEP

Ms. Kay Ceniceros, 3rd District
4080 Lemon Street, 14th Floor
Riverside, CA 92501

RE: Eagle Mountain Landfill & REcycling Center

We have just read the **STRATEGIC VISION** draft listing of critical issues for the public forums held in July. We were unable to attend the forums, as we were out of the state. However, Craig Manning, Deputy County Executive Officer, was kind enough to send us a copy at our request.

In view of the "trends" listed, we would urge you to vote in favor of the Eagle Mountain Landfill and Recycling Project. We have always been in favor of the project for environmental reasons as well as economical reasons for our county.

We would urge you to vote in favor of this much needed project. It would be a forward step in balancing the budget and creating jobs, as well as an answer to the landfill needs for the valley in the future.

Please know, most of the people in the Lake Tamarisk, CSA #51 area are very much in favor of the project. We have attended most of the public hearings in our area as well as those held in the valley, and cannot help but believe strongly, that the landfill would be extremely valuable both evnironmentally and financially.

Sincerely,

Will Mickey

Will and Mickey Truitt

Response to Comment 123-1

Comment acknowledged.

COMMENT LETTER 124

16372 Manzanita Ave.
Fontana CA 92335
August 6, 1996.

Comment submitted to the Bureau of Land Management (BLM)
Re: Proposed Eagle Mountain Landfill and Recycling Center

My name is Mike Urbanek.

The proposed federal action under consideration is a land exchange and associated right of way between the BLM and Kaiser Eagle Mountain. Because of the reclamation nature of the project, as well as minimal environmental impacts and the value of the exchanged lands to the federal government's efforts to consolidate holdings in the area, the Eagle Mountain site proposal is a win-win opportunity for the federal government and the people of California.

The landfill project area is a portion of a much larger industrial site which operated over 40 years as the Eagle Mountain Mine. Over 900 million tons of rock were removed from the open pits in this mountainous setting. Approximately 700 million tons of waste rock still remains on the property surrounding the open pits. Since this disturbance predated the California Surface Mining and Reclamation Act, virtually no reclamation of this devastated landscape is required by law.

The Eagle Mountain Landfill project would reclaim a substantial portion of this site. Throughout the life of the landfill project, the 700 million tons of residual rock will be utilized in the construction of the project, reclaiming the areas spoiled by the mining operation, most importantly the portion which is now visible from the Chuckwalla Valley.

Utilization and concurrent reclamation of this damaged site by the landfill project seems a preferable alternative to the use of other proposed, undisturbed, pristine sites. I encourage the BLM to move forward with the approval of the proposed action.

Sincerely
Mike Urbanek

Mike Urbanek

Response to Comment 124-1

Comment acknowledged.

COMMENT LETTER 125

16372 Manzanita Ave.
Fontana CA 92335
August 8, 1996

Good evening,

We've heard the charges that this project will damage the environment and you should not approve it. Look at the 'pie in the sky' wishes of the opponents to find a ***new*** technology. Meanwhile the current landfills are being filled, being closed and are leaking. That's like waiting for a better mouse trap while the house is overrun with mice! This project has been designed with the most modern technology available to the industry. Preparation will take time, and the need for this is now, not some time in the future when technology ***might*** be available.

Then there's the people who say "***Not In My Back Yard***." yet their back yard is 60 to 70 miles away. If not at Eagle Mountain where do you want ***your*** trash to be hauled? To someone else's back yard I'm sure, but where? Some of Riverside County's trash has been trucked to the Milliken Landfill in Ontario, for nearly 30 years. That Landfill will be closed the end of this year. Once closed, the cost to San Bernardino County will be about 18 million dollars and take nearly 2 years to secure the site. Riverside users will have to find another place to dispose of their trash, and the costs will go up to transport it further away. Can we expect them to come to Fontana? Possibly: Fontana has the second largest landfill after Milliken. The Fontana landfill was to close years ago, but it's life has been extended and the site expanded several times. It is in ***My*** backyard: just 3 1/2 miles away. It sits atop the water source of much of Fontana and several other cities. We all need better, more remote sites like Eagle Mountain.

Why should one visit these ugly, monstrous holes in the ground? My best answer is to see what an eyesore it is, then envision what it could look like if this is approved and the contours are approximately those of the surrounding area. Visit it: take a tour like I have. Ask your questions, get your answers. Find out for yourself what thought, what effort, has been put into this project. Don't go on the words of someone else without seeing it for yourself.

We heard dire predictions of the possible contamination of the groundwater: ignoring the fact that the safeguards to be installed as part of this permit will

Response to Comment 125-1

Comment acknowledged.

continuously monitor that groundwater through a series of wells surrounding the whole landfill. See many of the wells that have already been installed.

Look at the hills of debris that have been moved to get the iron ore. This was done at a time when the consequences of that action was not a concern. Now you, and we, have a chance to rectify that. Don't throw that chance away on a dream for new, unnamed, blue sky technology that may never be possible.

It was said this landfill is at the doorstep of the Joshua Tree National Park. There is no door, since there's no roads from the landfill to the Park: but the mine site will be there whether it's used as a landfill or not. Remember it was there 50 years before the National Park was established and it is on private land.

At the hearing in Palm Springs there was an impassioned plea to protect our children and grandchildren. I agree this is necessary. I also agree this project will do that. The need for this project is clear: many current landfills are not properly lined, let alone lined with 7 feet of impervious clay, and other materials interspersed with two layers of plastic, which is expected to still be watertight a century from now. I believe the scientists who have studied this and say it is safe, not the emotional non-scientists who trust no one.

This project is feasible. This project is technically sound. This project is needed. I urge you approve it. Thank you.

Mike Urbanek

COMMENT LETTER 126

aug 27, 96

Att. Dave Marcus —

We hope to live to see the Eagle mountain operating — a good thing for the county — and needed for the state — we have both worked and been at many meetings —

Sincerely,

Mrs. Dan Vaughan

Mr. Dan Vaughan

10336 Chisholm Trail

Cherry Valley, Ca. 92223

RECEIVED
AUG 2 9 1996
VERSIDE COU
ING DEP

Response to Comment 126-1

Comment acknowledged.

COMMENT LETTER 127

aug 27, 96

attn: Joan Orendine
Bureau of Land management
Calif. Desert Dist —
me home & line to see the
Eagle mountain operation
seem a good thing for all
and badly needed — me
have been to many meetings

Sincerely
mrs. Sam Vaughan
mr. Sam Vaughan

RECEIVED
BUREAU OF LAND MANAGEMENT
96 AUG 28 PM 2:05
CALIF. DESERT DISTRICT
RIVERSIDE, CA.

Response to Comment 127-1

Comment acknowledged.

COMMENT LETTER 128

RECEIVED
SEP 0 3 1996
RIVERSIDE COU
PLANNING DEPA

P.O. Box 7
Teton, Id. 83451

September 2, 1996

Riverside County Board of Supervisors

By this letter I am strongly urging you to consider favorably the Eagle Mountain Landfill Project.

My wife and I owe property at Lake Tamarisk Land Yacht Harbor, Desert Center Ca. We are living there for 6 months and love it very much, and we live in Teton, Idaho, the other 6. We would not want to see any project undertaken in our area that would lessen our quality of life at Desert Center.

We feel strongly in favor of the landfill at Eagle Mountain. We have been to a lot of meetings in the area concerning the landfill. It seems that the liner system and the proposed monitoring system and the testing systems have been tested and proven to be sound in every way. and it should certainly prove a minimum risk to the environment as much as any present technology can hope to construct.

The landfills around us at the present time are becoming full, leaking, and are not supervised. It is hard for us to understand any thing negative about opening a new high technology landfill such as the one at Eagle Mountain. It would certainly alleviate a lot of southern California landfill problems. We know more landfills will have to be built. The Eagle Mountain project should be approved after all the time, money, and studies have been made. It should be approved and obtain the much needed revenue in Riverside County.

Byron & Norma Ward

Byron & Norma Ward

Response to Comment 128-1

Comment acknowledged.

COMMENT LETTER 129

AUG [illegible] 1996

July 28, 1996

Board of Supervisors
4080 Lemon Street, 14th Floor
Riverside, CA 92501-3651

Supervisor Bob Buster
Supervisor Tom Mullen
Supervisor Roy Wilson
Supervisor Kay Ceniceros
Supervisor John Tavaglione

RECEIVED
AUG 06 1996
RIVERSIDE COUN
[illegible]NING DEPA[illegible]

Dear Supervisors;

This letter is in regard to the Eagle Mountain Landfill Project requesting your full support in getting this project to completion. It is unfortunate that Riverside County let Imperial County get the jump on them allowing the new landfil project there to proceed. Imperial County did not allow the radical few loudmouths to delay their decision. Besides the ones creating such disruptions in Riverside County, and specifically Coachella Vally, were too lazy to drive to Imperial County and raise a challenge to that project. We all know where the trains and trucks hauling this garbage to Imperial County will be traveling through, so we in Coachella Valley will have the traffic without the benefits. That project also affects the market for the Eagle Mountain Project but hopefully Eagle Mountain will proceed on a timely basis.

I understand the Bureau of Land Management is holding public hearings August 5,6,7 & 8th in Coachella Valley as well as Riverside. I don't know why they are holding these hearings in August when most of the residents of CV are away on vacation escaping the Summer heat but hopefully they will realize the "radicals" will be in full attendance and not get mislead on the true desires of most residents.

Again, your full support in getting Eagle Mountain Project to completion is requested.

Yours truly;

C. R. Whitby 47340 Jefferson Indio, CA 92201 619-347-8594

Response to Comment 129-1

Comment acknowledged.

COMMENT LETTER 130

ROBERT D. WIGHT
P. O. Box 18726
Munds Park, Arizona 86017
Tel. 520-286-2568

OCT 0 1 1996

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OCT 0 ' 1996

/ERSIDE CO

September 14, 1996

Supervisor Kay Ceniceros
4080 Lemon Street, 14th Floor
Riverside, California 92501-3561

Dear Supervisor Ceniceros:

EAGLE MOUNTAIN LANDFILL PROJECT

I am writing to request your support of the upcoming review of the new environmental analysis covering the Eagle Mountain Landfill Project being submitted by Mine Reclamation Inc. and Kaiser Ventures Inc.

This project when it comes on line prior to the year 2000 will be critical to the economy of Southern California. Solid waste disposal capacity will be greatly reduced by the closing of many landfills which will be at capacity. The design and operation of the Eagle Mountain Landfill will insure that no environmental risk is involved. Eagle Mountain with it's large capacity can save the day.

In addition, I am one of over 7000 retirees of Kaiser Steel Corp. who are now receiving a portion of our promised medical benefits through the "New Kaiser Veba". Veba is the largest stockholder of Kaiser Ventures and will require appreciation in the value of it's holdings to be able to continue providing these medical benefits.

The Southern California economy and Kaiser Retirees are not the only ones who would benefit from the Eagle Mountain Landfill Project. Riverside County will generate considerable revenue from fees charged the users, well above the expense of overseeing the landfill operation.

The Eagle Mountain Landfill Project is well planned, and a much needed project. It will be a win-win situation for all, the Southern California economy, Kaiser Retirees, Riverside County, and Mine Reclamation-Kaiser Ventures.

Thank you for your time and support.

Yours truly,

Robert D. Wight

Response to Comment 130-1

Comment acknowledged.

COMMENT LETTER 131

RECEIVED
SEP 09 1996
RIVERSIDE COUNTY
PLANNING DEPARTMENT

P.O. Box 360
Barnsdall, OK 74002

3 August 1996

Riverside County Board of Supervisors

Southern California is indeed fortunate to have a solution to it's many leaking waste facilities; a solution that will serve many years into the next century. Pure water is essential for human consumption, farming, industry and recreational facilities to name only a few of the major consumers.

MRC's proposed Eagle Mountain waste disposal facility is a giant step forward in modern technology applied to this recognized need. The required studies confirm that the facility will be safe.

A majority of property owners at Desert Center, the host community, are firmly behind the proposal.

I believe that an open mind, with no political considerations, will recognize the benefits to Southern California of the Eagle Mountain waste facility and approve the plan proposed by MRC.

Barbara L. Wilson

Barbara L. Wilson

Response to Comment 131-1

Comment acknowledged.

COMMENT LETTER 132

Henry Withrow
81-870 Victoria Avenue
Indio, California 92201-7745

9 Aug 96

Honorable Bruce Babbitt
Secretary
U.S Dept. of Interior
1849 C Street
Suite 6151
Washington DC.
20240

Re: Eagle Mountain Landfill
in Riverside County, Calif.

Dear Mr. Babbitt:

In the past and present Mr. Ernest Quintana, Superintendant of Joshua tree Natl. Monument has been adamantly opposed to the Eagle Mountain land fill project.

I hope that Dept of Interior can replace confrontation with co-operation with developers and levels of government in developing mitigation of any potential adverse impact upon the adjacent Wilderness areas of Joshua tree Natl. Monument.

The site has been devastated by 40 years of intensive mining. The project will ultimately restore the site to somewhat natural contours. A definite plus.

The areas of concern to Mr. Quintana are by and large shielded by 800 ft mountains plus 1.7 miles to your boundary. To my knowledge 40 years of blasting and mine operation was imperceptable from your areas of concern.

Damage to bat population is cited. However the head tower of underground Black Eagle mine is still in place and it is a habitat for bats.

Please go to page 2

Response to Comment 132-1

Comment acknowledged.

Eagle Mountain Landfill

The project will return thousands of acres of prime Desert Tortois habitat to public stewardship. Through a land exchange. They will set aside up to 57 million dollars in the first ten years to purchase open space & habitat.

Finally I hope that you will balance the needs of wilderness space, counter-balanced by the need for two or more regional, remote, state of the art landfills

Respectfully Submitted

[signature]

C.C. Mine Reclamation Rep

Henry Withrow
81-870 Victoria Avenue
Indio, California 92201-77

RECEIVED
AUG 19 1996
RIVERSIDE COUN
PLANNING DEPA

12 Aug. 96

MS. Kay Ceniceros
4080 Lemon St 14th fl.
Riverside, CA.
92501

Re: Eagle Mtn. Land fill

Dear Supervisor Ceniceros:

I urge that as a fitting climax to your distinguished public service that you actively support renewal of approval for this project.

The new application is essentially the same as previously approved by Riverside County. Possibly the Board has institutional memory of supervisor Parsons and others who visited a similar, rail track facility in Arlington Oregon with resulting favorable impressions.

It is important that you consider the city & county deficits in light of potential gain of economic jobs & revenue to local government.

My town cannot prosper with boarded up store fronts, second hand stores, pawn shops etc. Requests for service etc to city or county receive the sorry no money - default response.

Careful reading of the new application leads me to believe that environmental impacts are minimal or can be mitigated.

Finally this state of the art facility will permit present substandard sites to close.

Respectfully Submitted

Henry Withrow

cc - Mine Reclamation

Response to Comment 133-1

Comment acknowledged.

COMMENT LETTER 134

July 13, 1996

Jean Arendine
Bureau of Land Management
We think the Eagle Mountain Landfill should be OK'd and put to use. The project certainly has our approval.

Thank You,
Elmer and Ardelwood

Response to Comment 134-1

Comment acknowledged.

COMMENT LETTER 135

JUL 17 1996

July 12, 1996

Ms. Kay Ceniceros, 3rd District
4080 Lemon Street, 14th Floor
Riverside, CA 92501

Ms. Ceniceros,

We are so glad that Eagle Mountain Landfill project is back on the drawing board. It is so sad that things have happened to slow it down, much less stop it, which they did. Still doesn't make sense to us that someone in San Diego would know what is best for us here in the desert. We don't feel we have the right to tell them anything about their area. Something here we don't understand.

We are in full support of the Landfill and beleive it would be an answer to many financial problems here in this area as well as Riverside would benefit from it. We read where other landfills are being put in, why is this one having so many problems? When so many things are right for it, the holes are there, the railroad is in. So much to do over the water, why? Is that all people can find fault about the project? If it hurts the water here, why not at other sites?

The land exchange with BLM is fine, why shouldn't it be? Don't see how this will be environmentally unsafe having a landfill in Eagle Mountain when landfills are in other areas.

Sincerely,
Charles Woody
Charles Woody
Marita Woody
Marita Woody
P.O. Box 210
Desert Center, Ca.92239

RECEIVED
JUL 19 1996
RIVERSIDE COUN
MINING DEPAR

Response to Comment 135-1

Comment acknowledged.

COMMENT LETTER 136

RECEIVED
AUG 29 1996

AUG 27 1996

RIVERSIDE COUNTY PLANNING DEPARTMENT

To: Supervisor Kay Ceniceros

From: Karen Wooten

Re: Eagle Mountain Landfill

I would appreciate your support in the Eagle Mountain Project, as I think this would be great for the County of Riverside, as it would help with the county unemployment problem, which in turn would help with revenue.

As we all know the landfills are filling fast, and there is going to be a need in the near future, so why not take action now.

As for the environmental impact which would be worse trash on the street of our community or a landfill that is managed properly.

Thank you for taking the time to read this I hope that you will support the Eagle Mountain Landfill Project.

Karen Wooten
7741 Sycamore
Riverside CA 92504

Response to Comment 136-1

Comment acknowledged.

COMMENT LETTER 137

RECEIVED
JUL 10 1996
RIVERSIDE COUNTY
PLANNING DEPARTMENT

30290 Lands End Place
Canyon Lake, CA 92587

July 3, 1996

Ms Kay Ciniceros, 3rd District
Riverside County Board of Supervisors
4080 Lemon St., 14th Floor
Riverside, CA 92501

Dear Supervisor Ciniceros:

I am writing you with my APPROVAL of the Eagle Mountain Landfill and Recycling Center project.
To me, this is the most economical and feasable solution to our mounting problem of waste disposal and recycling.
Also, it will create many, many new employment opportunities.

Please give this serious consideration and approval.

Sincrely,

EVERETT H. YORK

Everett H. York

Response to Comment 137-1

Comment acknowledged.

COMMENT LETTER 138

RECEIVED
AUG 0 1 1996
RIVERSIDE COUNTY
PLANNING DEPARTMENT

K. Zimmerman
4210 Forest Glen Place
Castro Valley CA 94546-
3500

July 25, 1996

Supervisor K. Ceniceros
Board of Supervisors
4080 Lemon St.
Riverside CA 92501-3651

Subject: Eagle Mountain
Landfill Project

Dear Supervisor Ceniceros:

As one of the 7,000 Retirees from Kaiser Steel, I am requesting your support for the Eagle Mountain Land Project.

Estimated economics show this to be a financially viable project and environmentally feasible.

The retirees are counting on you for support to help us recoup at least some of our financial losses with the closure of the mill.

Thank you for your support.

Yours truly,
K. Zimmerman

Response to Comment 138-1

Comment acknowledged.

COMMENT LETTER 139

2059-D 41st Street
Los Alamos. NM 87544
July 15. 1996

Interior Secretary Bruce Babbitt
18th and C Streets. NM
Washington. DC 20240
FAX

Dear Secretary Babbitt:

We urge you to **SUPPORT** full protection of the desert tortoise on Park Service and BLM lands as well as reauthorization of the Endangered Species Act with proper funding for monitoring and law enforcement. We **OPPOSE** the proposed landfill on BLM land at Eagle Mountain.

Name	Address	
Diane Albert	2059D 41st Street	Los Alamos, NM 87544
Janet A. Gerwin	50 Tesuque	Los Alamos NM 87544
Jane C'Rourke	3 LaRosa Ct	Los Alamos, NM 87544
[illegible] Piltch	2915 Arizona Ave.	Los Alamos, NM 87544

Response to Comment 139-1

Comment acknowledged.

COMMENT LETTER 140

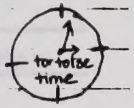
1418 20th Ave
San Francisco, CA
94122

Dear Mr. Babbitt, 8,18,96

I am speaking for the tortoise of the vanishing deserts in the western U.S.A. Man is rapidly destroying their fragile desert environment and soon the tortoise will no longer walk the sands.

The tortoise need full protection on BLM and Park Service lands, and re-authorization of the Endangered Species Act if they are to survive. Funding for monitoring the critical situation and law enforcement of habitat protection is the key element here.

The proposed landfill on Eagle Mountain can only hurt this endangered species and I urge you to oppose it.



Please take IMMEDIATE ACTION. Time is running out for the desert tortoise. Do all you can do now for you will not have the opportunity in the future to save the desert tortoise. They will all soon vanish with the destruction of their habitat. Soon no more of these amazing creatures will grace the deserts of the western U.S.A.

Sincerely, Lise Bauman

Response to Comment 140-1

See Section 4.7 of the Draft EIS/EIR concerning potential tortoise impacts. The mitigation measures proposed reduce impacts to below the level of significance. Also, see General Response 6.

COMMENT LETTER 141

OPRYLAND HOTEL

8-22-96

Dear Bruce Babbitt,
I support full protection of the desert tortoise on Park Service and BLM lands as well as the reauthorization of the Endangered Species Act with proper funding for monitoring and law enforcement. I am opposed to the proposed landfill on BLM land at Eagle Mountain

Thank You.
Marian Z Bell
MARIAN BELL
1538 COLLEGE AVE.
POMONA, CA. 91767
(909) 626-0079

Response to Comment 141-1

Comment acknowledged.

COMMENT LETTER 142

1736 Valley View
Belmont, CA 94002
September 5, 1996

Bruce Babbitt, Secretary
Department of the Interior
18th and C Streets, N. W.
Washington, D. C.20240

Dear Secretary Babbitt:

I support full protection of the desert Tortoise on Park Service and BLM lands in the Mojave desert and hope that you will press for actions that will assure the recovery of populations of this ancient, beleagured "indicator species." I am in favor of acquiring tortoise habitat and protecting it, by forbidding cattle grazing, road making, recreational vehicles, housing developments and the proposed mammoth garbage dump at Eagle Mountain.

For too long we have regarded empty spaces as worthless or worthy only of exploitation for economic gain by extractors. Now that uninhabited spaces are scraped bare, or gone, along with the wildlife they supported, the American people are beginning to realize what horrible mistakes we made, and in too many cases, we are still allowing to be made. We need to reclaim at least the remnants of our once wonderful wilderness.

I have written members of Congress asking that federal Land and Water Conservation Fund money immediately be made available for acquiring tortoise habitat. I hope that you will make it one of your priorities to convince the BLM and the National Park Service that the fragile desert and its tenacious, dwindling wildlife are too valuable a part of our national heritage to carelessly destroy.

I have also written members of Congress to give my support for reauthorization of the Endangered Species Act and requested that Congress see to it that there is adequate funding to implement the intentions of the ESA.

Sincerely,

Joline Bettendorf

Joline Bettendorf

Response to Comment 142-1

Comment acknowledged.

COMMENT LETTER 143

RECEIVED
BUREAU OF LAND MANAGEMENT
96 SEP 13 PM 1:55
RIVERSIDE CA

256 Tulare Avenue
Berkeley, CA. 94707
September 9, 1996

Bureau of Land Management
6221 Box Springs Blvd.
Riverside, CA. 92507

Re: Eagle Mountain Landfill and Recycling Center Project

I have hiked and backpacked in Joshua Tree National Park on two occasions, and I am appalled at the proposal to site a waste dump on adjacent lands. This proposal should be rejected by the BLM.

1 How will the operators of the landfill stop the wind from blowing? How will they stop millions of pieces of paper and debris from being blown by the wind into Joshua Tree?

2 I have been apprised of the shortcomings of the draft EIS; the project most certainly will have a negative impact on the Park's flora and fauna; the landfill most certainly will have an impact on subsurface water, as well as the air.

3 Does the project impact at all on desert tortoise habitat; if so, has this been addressed in the draft EIS?

4 Is it not somewhat peculiar, and underhanded, to omit the Park's name, or even acknowledge its existence, in the draft EIS. Would not this arouse the BLM"s suspicions as to potential negative impact of the project on the Park's environment?

5 I would like to request that further public hearings be held in the near future, that the public comment period be extended beyond its current deadline, and that a more adequate EIS be required - one which addresses the serious issues which I have raised.

Very truly yours,

Jeffrey D. Black

Response to Comment 143-1

Windblown trash and debris mitigation measures are specified in Section 4.10.3. Please also see General Response 3.

Response to Comment 143-2

The comment's references to shortcomings of the Draft EIS/EIR is not supported. See General Response 3 for a discussion of JTNP. See Section 4.1 and General Response 5 for a discussion of groundwater and General Response 7 for a discussion of air quality.

Response to Comment 143-3

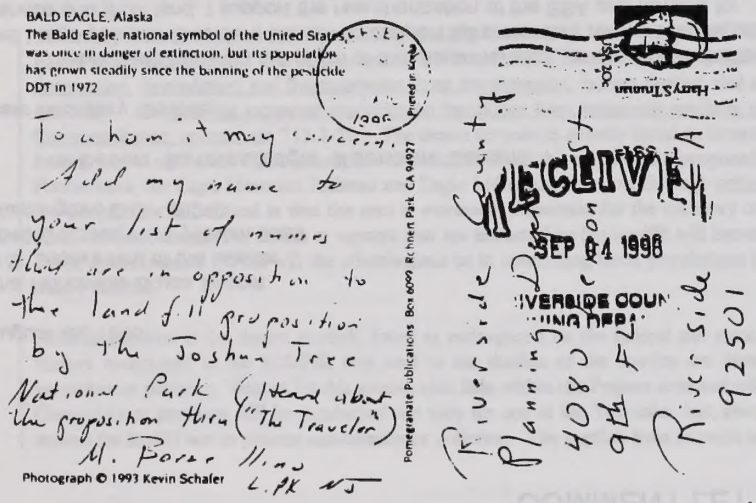
Potential desert tortoise impacts are thoroughly discussed in EIS/EIR Section 4.5. Please also refer to General Response 6.

Response to Comment 143-4

Identification of, and reference to, JTNP is made consistently and frequently throughout the EIS/EIR, and each environmental resource area contains specific discussions pertaining to potential JTNP impacts. See Sections 3.11 and 4.11.

Response to Comment 143-5

Adequate opportunity for public review and comment has been provided. Four BLM public hearings have been conducted, whereas NEPA requires only one. Additional County of Riverside hearings are planned for early 1997. Please also refer to Response to Comment 195-28 and Volume I of the Final EIS/EIR.



BALD EAGLE, Alaska
The Bald Eagle, national symbol of the United States, was once in danger of extinction, but its population has grown steadily since the banning of the pesticide DDT in 1972

Photograph © 1993 Kevin Schafer

Pomegranate Publications Box 6099 Richnert Park CA 94927

To whom it may concern:
Add my name to your list of names that are in opposition to the land fill proposition by the Joshua Tree National Park (I heard about the proposition thru ("The Traveler")
M. Bonar
L.Pk NJ

Harry S Truman

RECEIVED
SEP 24 1998
RIVERSIDE COUNTY
PLANNING DEPT.

Riverside County
Planning Department
4080 Lemon
9th FL
Riverside CA
92501

Response to Comment 144-1

Comment acknowledged.

COMMENT LETTER 145

August 28, 1996

The Honorable Bruce Babbitt
U.S. Department of the Interior
1849 C Street, N.W. , Room 5555
Washington, D.C. 20240

re: **Desert Tortoise/Eagle Mountain Landfill**

Dear Secretary Babbitt:

I have been following the plight of the desert tortoise, particularly in California and I urge you and President Clinton to support full protection for the tortoise on Park Service and BLM land. I support the reauthorization of the ESA and funding for monitoring and enforcement.

Desert lands in California are going to be adversely affected by the proposed landfill on BLM land at Eagle Mountain in California. I oppose this landfill and urge you to become involved in stopping this project.

Sincerely,

Linda m Brelje

Linda M. Brelje
345 E. Catalina
Phoenix, AZ 85012

Response to Comment 145-1

Comment acknowledged.

COMMENT LETTER 146

September 5, 1996

Eagle Mountain Landfill
and Recycling Center Project
Bureau of Land Management
6221 Box Springs Boulevard
Riverside, California 92507

To Whom It May Concern:

This letter is in regard to the proposed Eagle Mountain Landfill and Recycling Center Project. We are concerned with both the necessity and impacts of this project. When considering the amount of waste that is destined for the three municipal dump sites, two hazardous waste sites and five landfills within a 200-mile area, this part of Southern California appears to be a dumping ground for the convenience of others who are unwilling to deal with the impacts brought about by such projects.

1 The question that first comes to mind is if the landfill is necessary. In 1989, the state of California mandated that by the year 2002, all cities and states must reduce waste by fifty percent. With this in mind, the amount of waste generated by the seven counties involved in the development of this project should be decreasing. Instead, the projection of waste to be accepted at the landfill increases from 4,500 tons per day in the first years to 20,000 tons per day in the last years of operation.

While the need for this landfill is questionable, the impacts of such a project much outweigh any benefits the development has to offer. Most important is the potential harm to already threatened wildlife. The most obvious examples of these are the desert tortoise, desert pupfish, California leaf-nosed bat, Townsend's big-eared bat, California ditaxis, and the foxtail cactus. Each of these species falls into a category of concern within federal and state classifications.

2 According to the Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) for the Eagle Mountain Landfill, "Threats to continued existence of [the desert tortoise] include habitat destruction, degradation and fragmentation from development, human contact and related direct mortality... and possible increased predation on hatchlings from increasing predator population by Common Raven, coyote, etc." (3.7-20.) The desert tortoise is already listed as threatened on both federal and state levels. This animal has been found to inhabit areas of the proposed Project site. Furthermore, the Eagle Mountain Railroad and Eagle Mountain Road cut through critical habitat for the desert tortoise, critical in that the area is extremely important for the recovery of the species. Also, increased numbers of ravens or coyotes that are attracted by the landfill will increase predation on the desert tortoise. What will the effectiveness be in controlling these populations to protect the desert tortoise?

3 Next in question is the desert pupfish, listed as endangered on the federal and state levels. Two factors mentioned in the EIS/EIR that lead to the decline of the species are development and groundwater pumping. Habitat for this species also falls within the Project area and will be affected. Groundwater pumping will be conducted not only for use at the Townsite, but, also, to keep dirt around the landfill wet to prevent unnecessary air pollution. The pupfish lives in small pools of water

Response to Comment 146-1

Please refer to General Response 1.

Response to Comment 146-2

Mitigation measures for potential impacts to desert tortoise are discussed on pages 4.7-20 through 4.7-24, as well as in Appendix M. Also, please refer to General Response 6 and 28-109.

Regarding protection of tortoises from increased raven predation, as discussed in EIS/EIR Section 4.7 and General Response 6, the proposed mitigation measures are expected to reduce the potential impacts to below the level of significance.

Response to Comment 146-3

As noted on page 4.7-4 of the EIS/EIR, groundwater use by the proposed Project would not alter the water levels in Salt Creek and, therefore, would not degrade pupfish habitat. Also, see Sections 3.1 and 4.1 of the Draft EIS/EIR.

less than four inches deep, therefore, adapting to changes in conditions such as dropping water levels would be difficult.

a
Both the California leaf-nosed bat and the Townsend's big-eared bat are listed as federal Category 2 Candidates and California Species of Special Concern.. Declines in species numbers for the bats can be attributed to loss of roosting habitat and maternity sites, both of which are found withing the Project area. According to the EIS/EIR, impacts to these species "cannot be mitigated to below the
4
level of significance." (ES-17.) Will we see the listings of these bats change to threatened or
b
endangered as a result of this mega-landfill? As witnessed at the public hearing on August 7, 1996, some nearby residents are especially concerned about the bat populations because they control insect populations. When the numbers of bats decline, will the number of insects in the vicinity of the landfill increase?

5
The foxtail cactus and California ditaxis are federally-listed as Category 2 Candidate Species. Both occur within the areas of the proposed Project. While the EIS/EIR does not appear to address the impact on the California ditaxis, the estimated area of foxtail cactus that will be lost is 323 acres. This includes 165 acres for the southern part of the proposed storage area, 125 acres for the Eagle Mountain Road extension, and 33 acres lost to access road improvements. As stated in the EIS/EIR, "This loss is considered a significant adverse impact." (4.7-2.)

6
As part of the Southeast Desert Air Basin, the proposed development is located in a California non-attainment area for ozone and PM_{10}. Levels of these pollutants are already higher than they should be. This project will only make matters worse. In such a dry area, how wet can the ground be kept to ensure that dust is kept to a minimum? Trucks and trains are also producers of such pollutants or the precursors to such pollutants. Frequent entry of these vehicles will only increase the already high levels of pollutants. From Keys View in Joshua Tree National Park, haze is already quite evident, what will happen to the view if this Project is allowed to commence?

7
In regard to Joshua Tree National Park, it is one of the few places in Southern California that a person can still visit and imagine a world untouched by man. The air, wildlife, and experience will all be affected by this Project. With only a one and one-half mile distance between the two, the effects from the landfill will undoubtedly trickle over to Joshua Tree, an area that is supposed to be protected from such development. How will wilderness areas be cleaned up when trash is blown from the landfill? How will the experience of solitude, found only in such protected areas, change when noise and lights from the landfill enter the picture? These questions should not be necessary to ask when referring to any part of a National Park.

We oppose the Eagle Mountain Landfill and Recycling Center Project. There is too little guarantee that the Project will not adversely impact the air, water, wildlife, and experience surrounding the area.

Name	Address	Signature
Bryn Jones	306 Tenth Pl. Beaumont, CA 92223	Bryn E. Jones
Ken Hedrick	39060 Cherry Valley Blvd. sp.82 Cherry Valley, Ca. 92223	Ken Hedrick
Rina Villa	781 La Bonita, Perris, CA 93571	Rina Villa
Amra Somsuvarnkul	1444 Michigan Ave. #3, Beaumont, CA. 92223	Amra Somsuvarnkul
Sandi Petrillo	14160 Wabash #57 Redlands Ca. 92373	Sandi Petrillo
TEACH LEATHERS	34907 ACACIA AVE. YUCAIPA, CA. 92399	

Response to Comment 146-4

(a) Analyses conducted in support of this Project indicate that implementation will not cause a change in special-status listing.

(b) There is no indication that the proposed Project will result in a decline in bat population. Please refer to General Response 6, as well as the Response to Comments 1-119 and 8-10.

Response to Comment 146-5

Potential impacts to California ditaxis were discussed in Appendix G of the EIS/EIR. With regard to potential foxtail cactus impacts, please refer to General Response 6, which discusses mitigation for this species. Also, please see the Response to Comments 8-1 and 28-107.

Response to Comment 146-6

Please refer to General Response 7.

Response to Comment 146-7

Please refer to General Response 3.

Name	Address	Signature
DARLENE HEDRICK	39660 CHERRY VALLEY BLVD CHERRY VALLEY CA 92223	Darlene H. Hedrick
Randy Hamilton	28641 W. Jefferson Banning 92220	Randy Hamilton
DAVID GUTIERREZ	707 XENIA ~~Beaumont~~ Beaumont APT 35	DAVID GUTIERREZ
Georgiyn Wagner	35248 Co. L. Rd. Yucaipa	Georgiyn Wagner
L. Z Campbell	35075 Comberton St Ca Yucaipa CA	Liz Campbell
KATHRYN JONES	306 10th PL. Beaumont, CA 92223	Kathryn Jones

COMMENT LETTER 147

9 August 1996

To Interior Secretary Bruce Babbit:

I am writing as a concerned citizen of the United States to tell you that I support full protection of the desert tortoise on Park Service and BLM lands. I want the future generations of this country and the world to experience the earth and all that it has to offer.

I also fully support reauthorization of the Endangered Species Act with proper funding for monitoring and law enforcement. As I know you are undoubtedly aware of, once a species is gone, IT IS GONE FOREVER!

I would also like to tell you that I am extremely disappointed to hear about the proposed landfill on BLM land at Eagle Mountain. I want you to know that I am strongly opposed to any new landfills on the last natural areas of the United States.

I trust that the decisions you make will be in the best interest of our future generations, for I am sure you follow your heart, listening to it so you can make the right decisions.

Sincerely, Christa Cerra

CHRISTA CERRA
4522 ARAPAHOE S
MPLS, MN 55424
(612) 929-7337

Response to Comment 147-1

Comment acknowledged.

COMMENT LETTER 148

Albert Churella
2125 Lamont Ave.
Columbus, OH 43224

August 23, 1996

Riverside County Planning Department
4080 Lemon Street
9th Floor
Riverside, CA 92501

I am writing to express my concern regarding the proposed Riverside County landfill on the outskirts of the Joshua Tree National Park. Such a landfill, regardless of the containment measures adopted, would certainly pose a long term and
1 irreversible threat to the park and would make any increase in the size of that park a virtual impossibility. I urge you to consider all available options, including but not limited to mandatory recycling programs, before authorizing construction of this landfill.

Sincerely,

Dr. Albert J. Churella

Response to Comment 148-1

With regard to potential impacts on JTNP, please refer to General Response 3. The proposed Project will have no effect on any future increases in JTNP size, which is determined by congressional action. As to the request to consider options, including recycling, please refer to General Response 2.

COMMENT LETTER 149

7 CINCHRING RD
Rolling Hills, Calif. 90274
August 14 1996

The Honorable Bruce Babbitt
Secretary of the Interior
18th and C Streets, N.W.
Washington, D.C. 20240

Dear Secretary Babbitt:

We strongly support complete protection of the desert tortoise on BLM lands and Park Service lands. Tortoises are being destroyed by off-road vehicles (mostly illegal in their protected areas), ravens, garbage dumps, loss of habitat through development and disease.

We urge you also to see that the Endangered Species with adequate funding for law enforcement is reauthorized. We oppose ~~to~~ the proposed land fill on BLM land at Eagle Mountain.

Please act to protect the desert tortoise.

Sincerely yours,

Clarence A. Coe
Claire L. Coe

Response to Comment 149-1

Comment acknowledged.

COMMENT LETTER 150

RECEIVED
AUG 2 1996
RIVERSIDE COU
PLANNING DEP

Dear Sir or Madame, 8-22-96

I am writing to vehemently oppose the proposed Eagle Mountain landfill.

I have hiked in Joshua Tree N.P for years and enjoy its pristine character and exceptional quiet especially at night.

1 A landfill 1.5 miles from the park would produce noise, loud noise which is incompatible with wilderness values.

2 The developer has promised $ per ton of trash for environmental relief efforts. No amount of money is worth the negative impact this landfill will have on the park for users like myself.

I strongly urge you to stop this foolish plan.

Response to Comment 150-1

The comment is unsupported. As noted in EIS/EIR Section 4.13, the proposed Project will not result in significant noise impacts. Please refer to General Response 3, for discussion of potential JTNP impacts.

Response to Comment 150-2

Comment acknowledged.

Why would anyone want to build the largest landfill next to one of our greatest parks? Why?

On Staten Island we have the largest landfill. It literally stinks for miles around, draws countless rats, breeds disease, produces toxic runoff, belches smoke into our air and creates noise

If the developer wants to build a landfill, tell him to build it in his own backyard.

No Landfill!

Sincerely

G Cronick

Glenn Cronick
208 Maryland Av.
Staten Island, NY 10305-3039

COMMENT LETTER 151

Secretary Bruce Babbitt
8th and C Streets, NW
Washington, DC 20240

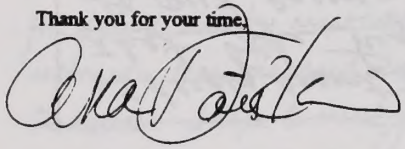
Bruce Babitt,

I am writing to you to urge your support to **fully protect the desert tortoise on Park Service and BLM lands as well as reauthorization of the Endangered Species Act with proper funding for monitoring and law enforcement!** The National parks have only small fragments of desert Tortoise populations left- they are not viable populations in and of themselves. They are endangered because of all of the land abuse activities going on in the Mojave desert and elsewhere. I further oppose the proposed landfill on BLM land at Eagle mountain. This landfill will cause serious threats to the desert tortoise and other wildlife.

Overall, I am disgusted how the Mojave desert is treated. It is an atrocity to have cattle grazing these lands. Deserts are not adapted to heavy grazing practices like grasslands, they are far too fragile to allow livestock grazing. Furthermore, this land is treated as a vast wasteland where the air force can go bomb testing and motorcyclists can rampage the land! This National Park like all Parks need far more protection and law enforcement.

I'm tired of private interests and the wise use movement getting their way and destroying our public lands and wildlife! I want the publics interest to finally be represented!!!!!

Thank you for your time.



Response to Comment 151-1

Comment acknowledged.

RECEIVED
BUREAU OF LAND MGMT
97 AUG 13 PM 12:30
DESERT DISTRICT
RIVERSIDE, CA

Aug. 11, 1996

Eagle Mtn. Landfill
Recycling Center Project
Bureau of Land Mgmt.
6221 Box Springs Blvd.
Riverside, Ca 92507

I deeply resent the flawed presumption that the high desert is the place to put everyone's trash.

I am a long time desert resident and consider the Joshua Tree National Park to be a national treasure not deserving of such massive degradation, nor the healthy life I have long enjoyed here with good air

1

Additionally, our water is hard enough to come by - both for humans and for all the creatures who struggle to live in what can be a very harsh environment. A plastic liner will protect us. Ha!

RJ Nelson
PO Box 3868
Landers, Ca 92285

Response to Comment 152-1

Comment acknowledged.

COMMENT LETTER 153

BUREAU OF ...
96 SEP 20 P1:03
RIVERSIDE, CA

Alice A. Doosey
154 Ashton Ct.
Mantua, NJ 08051
September 16, 1996

Dear Sirs:

I have just read about the proposed garbage dump site being considered near Joshua Tree National Monument. I strongly wish to voice my opposition to this plan. I just returned from a two week vacation spent hiking, climbing, and backpacking in Inyo National Forest and Sequoia National Park and as an American who uses our natural resources I want them protected for future use by responsible government action. Please reconsider this proposed dump site near a national treasure. I hope to visit Joshua Tree soon and watching and listening to heavy equipment drop and move garbage is not in my plans. Our natural resources are not dumping grounds.

Sincerely,
Alice A. Doosey

Response to Comment 153-1

Comment acknowledged.

COMMENT LETTER 154

213 Pine Cone Ave.
Spearfish, SD 57783
Septembwe 2, 1996

Interior Secretary Bruce Babbitt
18th and C streets, N.W.
Washington, DC 20240

Dear Secretary Babbitt:

Our family SUPPORTS FULL PROTECTION OF THE DESERT TORTOISE ON PARK SERVICE AND BLM LANDS as well as REAUTHORIZATION OF THE ENDANGERED SPECIES ACT with proper FUNDING FOR MONITORING AND LAW ENFORCEMENT.

WE STRONGLY OPPOSE THE PROPOSED LANDFILL ON BLM LAND AT EAGLE MOUNTAIN.

The desert tortoise's evolutionary roots go back some 280 million years, and they are an indicator species of the health of the California desert. They are a natural treasure, and we need to take care of them as such.

Thank you,
Lynda Fanning
Lynda Fanning

Response to Comment 154-1

Comment acknowledged.

COMMENT LETTER 155

Greetings!

Please put me down as one who opposes the Eagle Mountain Landfill -

Thank you kindly!

Catherine Foster

P.S Please excuse envelope etc but today some of us have to "MAKE DO"

Response to Comment 155-1

Comment acknowledged.

COMMENT LETTER 156

9-4-96

The enclosed article from National Geographic Traveler passes some serious questions. We have some of the most beautiful desert flora & fauna – and some of the best tasting water in the world.

1 Why would we want to jeopardize these things and the many others that would be adversely affected by this "megadump"? Please don't do this to the area, its people and all the rest of the world that benefits from this desert area.

Sincerely,

Nancy Trivel

Nancy Trivel

[illegible]

Palm Springs, Ca. 92263-0943

RECEIVED
SEP 10 1996
RIVERSIDE COU[illegible]

Response to Comment 156-1

Comment acknowledged.

Not your everyday truck stop

Planning a driving trip this fall? Gas up the car at one of 41 Petro Stopping Centers in 26 states nationwide. And

Iron Skillet serves upscale truck-stop fare on the road

while you're there, fuel your own tank at the Iron Skillet, chosen "most popular truck-stop restaurant chain" in a survey by the Beef Industry Council. Choose from all-you-can eat sirloin dinners, chicken-fried steak, even dishes for cholesterol watchers. Most everything is made from scratch and cooked home style.

After your meal, browse in Petro's travel and convenience store, which stocks 10,000 items ranging from toothbrushes and road-emergency kits to cowboy boots. Or rent books on tape (to return down the road or by mail), get cash from an ATM, send a fax, do your laundry, take a shower, even get a haircut. For locations, contact Petro Stopping Centers, P.O. Box 26808, El Paso, TX 79926; 915-779-4711 or 800-331-8809.

SITES AT RISK

Why would anyone build the world's largest dump next to a national park? That's what environmentalists are asking about the proposed Eagle Mountain landfill that may be established within 1.5 miles of southern California's Joshua Tree National Park, home to its namesake tree and to the threatened desert tortoise. Spreading over 2,164 acres, the megadump would operate 24 hours a day for the next 78 years and would have the capacity for 708 million tons of trash, to be delivered on freight cars carrying up to 20,000 tons daily.

The developer, Mine Reclamation Corporation, has offered Riverside County $1 per ton of trash toward environmental relief efforts and proposed an eight-foot-thick liner that would block contamination of groundwater. Opponents warn that safeguards could fail over the next eight decades and beyond and that natural habitats could be altered forever.

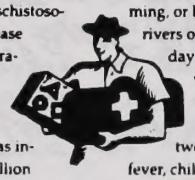
To obtain more information or to express your opinion about the landfill, which could be approved by year's end, write to the Riverside County Planning Department at 4080 Lemon St., 9th Floor, Riverside, CA 92501.

Keys View in southern California's Joshua Tree National Park.

TRAVELING HEALTHY

TROPICAL DISEASE ALERT

Travelers who head off the beaten track in developing tropical countries should know about schistosomiasis, a disease caused by parasitic worms. Also known as bilharzia, the disease has infected 200 million people in 74 nations. Without drug treatment, it can lead to chronic ill health,



and it kills 20,000 annually.

Schistosomiasis is contracted by wading, swimming, or bathing in infested rivers or lakes. Within days, some people develop a rash or itchy skin, and, within a month or two, may experience fever, chills, coughing, or muscle aches. Most people, however, show no symptoms. Repeated infection can cause organ damage.

Travelers should exercise caution in sub-Saharan Africa, some South American countries (Brazil, Suriname, Venezuela), parts of the Caribbean (Antigua, the Dominican Republic, Guadeloupe, Martinique, Puerto Rico, St. Lucia), several Middle Eastern countries, central China, the Philippines, Laos, and Cambodia.

Traveler ONLINE

• Coming up soon: chat online with Douglas Ward, author of this issue's cruise feature, "Cruising the Americas." Look for other regularly scheduled chats with travel writers, photographers, and other experts. Check the National Geographic Web site (http://www.nationalgeographic.com) or visit our forum on CompuServe (GO NGSFORUM) to get dates and times.

• Also at our Web site: a new resource area, where you'll find answers to frequently asked travel questions and ways to get information about all of your favorite destinations.

COMMENT LETTER 157

Carol Kromhout
35 N. University Circle
Deland, Fl. 32724

7-16-96

Dear Interior Secretary Bruce Babbitt,

I support full protection of the desert tortoise on Park Service and BLM lands as well as reauthorization of the Endangered Species Act for monitoring and law enforcement. I also oppose the proposed landfill on BLM land at Eagle Mountain. Thank you.

Sincerely,
Carol Kromhout

Response to Comment 157-1

Comment acknowledged.

COMMENT LETTER 158

9/17/96

Ubbitt:

writing out of concern for the desert tortoise which is in imminent danger of extinction in their natural habitat, much of it within California desert parks.

There is much habitat degradation occuring in the Mojave Desert and the national parks and preserves within this fragile ecosystem. Environmental damage from livestock grazing, mining and road development, the pumping of subsurface water, and assault on the terrain from off road vehicle use are all contributing factors in the decline of the desert tortoise.

I would like to see the desert tortoise granted protection on park service and BLM lands. I would also like to see the reauthorization of the Endangered Species Act with proper funding for monitoring and law enforcement.

I am also very much opposed to the proposal to turn a portion of Eagle Mountain on BLM land into a huge landfill. I hope this is not allowed to happen. Any effort

Response to Comment 158-1

Comment acknowledged. The mitigation measures specified in Section 4.7 of the Draft EIS/EIR will reduce the impacts to below the level of significance.

on your part to stop this would be greatly appreciated.

The desert tortoise needs all the help it can get or it may soon be too late for this ancient desert dweller.

Thankyou,
Trimie Gill

COMMENT LETTER 159

July 16, 1996

The Honorable Bruce Babbitt
Secetary, Department of Interior
1849 C Street, NW
Washington, DC 20240

Dear Mr. Secretary;

I am writing to express concern regarding the Eagle Mountain Landfill project.

My husband is a retiree of Kaiser Steel, Eagle Mountain Mine.

New Kaiser VEBA would like all to beleive this project is just for retiree's bernefits.

Even if I felt this was the truth, I would not want health benefits over the risk

of endangering the environment for future generations!

Riverside Enterprise states the County needs the money. They will always need

more money!

I hope and pray that the largest landfill in the country will not become a reality

just because of the greed for money.

Sincerly,

Myrt Griffin

17840 Riviera Dr.

Blythe, Ca. 92225

Response to Comment 159-1

Comment acknowledged.

COMMENT LETTER 160

RECEIVED
SEP 03 1996
RIVERSIDE COUN
PLANNING DEPA

August 27, 1996

Riverside County Planning Department
4080 Lemon Street, 9th Floor
Riverside, CA 92501

To Whom It May Concern:

I am filled with indignation at the prospect of Riverside County depositing garbage at the Eagle Mountain Landfill adjacent to Joshua Tree National Park.

I am not an environmentalist, nor am I a resident of California. However, I do recognize the Cherished Gift of our Country's National Parks, and the importance of preserving our National Parks for future generations.

It is not just the issue of possible leakage into the soil, as it is also all the other negatives that accompany a Landfill.

I seriously hope Riverside County will reconsider its' plans to put garbage next to Joshua Tree National Park.

Please preserve Joshua Tree National Park.

Sincerely,

Gregory Hyser
PO Box 421177
Plymouth, MN 55442-1177

Response to Comment 160-1

Comment acknowledged.

COMMENT LETTER 161

Secretary Bruce Babbitt
8th and C Streets, NW
Washington, DC 20240

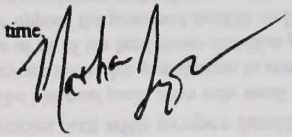
Bruce Babitt,

I am writing to you to urge your support to **fully protect the desert tortoise on Park Service and BLM lands as well as reauthorization of the Endangered Species Act with proper funding for monitoring and law enforcement!** The National parks have only small fragments of desert Tortoise populations left- they are not viable populations in and of themselves. They are endangered because of all of the land abuse activities going on in the Mojave desert and elsewhere. I further oppose the proposed landfill on BLM land at Eagle mountain. This landfill will cause serious threats to the desert tortoise and other wildlife.

Overall, I am disgusted how the Mojave desert is treated. It is an atrocity to have cattle grazing these lands. Deserts are not adapted to heavy grazing practices like grasslands, they are far too fragile to allow livestock grazing. Furthermore, this land is treated as a vast wasteland where the air force can go bomb testing and motorcyclists can rampage the land! This National Park like all Parks need far more protection and law enforcement.

I'm tired of private interests and the wise use movement getting their way and destroying our public lands and wildlife! I want the publics interest to finally be represented!!!!!

Thank you for your time,



Response to Comment 161-1

Comment acknowledged.

COMMENT LETTER 162

Secretary Bruce Babbitt
8th and C Streets, NW
Washington, DC 20240

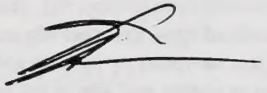
Bruce Babitt,

I am writing to you to urge your support to **fully protect the desert tortoise on Park Service and BLM lands as well as reauthorization of the Endangered Species Act with proper funding for monitoring and law enforcement!** The National parks have only small fragments of desert Tortoise populations left- they are not viable populations in and of themselves. They are endangered because of all of the land abuse activities going on in the Mojave desert and elsewhere. I further oppose the proposed landfill on BLM land at Eagle mountain. This landfill will cause serious threats to the desert tortoise and other wildlife.

Overall, I am disgusted how the Mojave desert is treated. It is an atrocity to have cattle grazing these lands. Deserts are not adapted to heavy grazing practices like grasslands, they are far too fragile to allow livestock grazing. Furthermore, this land is treated as a vast wasteland where the air force can go bomb testing and motorcyclists can rampage the land! This National Park like all Parks need far more protection and law enforcement.

I'm tired of private interests and the wise use movement getting their way and destroying our public lands and wildlife! I want the publics interest to finally be represented!!!!!

Thank you for your time.



13170-B CENTRAL AVE. S.E.
DEPARTMENT 176
ALBUQUERQUE NM 87123

Response to Comment 162-1

Comment acknowledged. The mitigation measures specified in Section 4.7 of the Draft EIS/EIR will reduce the impacts to below the level of significance.

COMMENT LETTER 163

17 September 1996

Interior Secretary Bruce Babbitt
18th and C Streets, N.W.
Washington, DC 20240

Dear Secretary Babbitt:

I support full protection fot the desert tortoise on Park Service and BLM lands. In addition I support reauthorization of the Endangered Species Act with adequate funding for monitoring and law enforcement. I am opposed to the proposed landfill on BLM land at Eagle Mountain as a threat to tortoise habitat.

Sincerely,

Andrew Jones

Andrew Jones

Response to Comment 163-1

Comment acknowledged.

COMMENT LETTER 164

McGaw, Inc
2525 McGaw Avenue
P.O. Box 19791
Irvine, California 92713-9791
Telephone 714 660 2000
Fax 714 660 2700

McGaw

September 17, 1996

Riverside County Planning Department
4080 Lemon Street, 9th Floor
Riverside, CA 92501

RE: PROPOSED EAGLE MOUNTAIN LANDFILL

To Whom It May Concern:

While I am sure Riverside County could use the revenue, it is ludicrous for it to be so close to California's Joshua Tree National Park. I suggest moving it further away like somewhere in the middle of Nevada!

Sincerely,

John M. Kling

JMK:tv
g:\legal\t96t6000.doc

Response to Comment 164-1

Comment acknowledged.

COMMENT LETTER 165

29 July 1996

Mr. Bruce Babbitt
U.S. Secretary of the Interior
18th and C Streets
N.W. Washington, D.C. 20240

Dear Mr. Babbitt:

I support full protection of the desert tortoise on Park Service and BLM lands.

I want to see reauthorization of the Endangered Species Act with proper funding for monitoring and law enforcement.

I strongly oppose the proposed land fill on Eagle Mountain.

I appreciate your consideration of these matters. After all - once gone - gone forever -

Sincerely,
Mary E. Foale

Response to Comment 165-1

Comment acknowledged.

COMMENT LETTER 166

20 Union Street
Newtown, PA 18940
August 22, 1996

Bruce Babbitt
Secretary, Dept. of Interior
18th and C Streets, NW
Washington, DC 20240

Dear Secretary Babbitt:

This is to strongly urge you to support full protection of the desert tortoise on Park Service and Bureau of Land Management lands.

I fully support the protection of the desert tortoise, as well as the reauthorization of the Endangered Species Act with proper funding for monitoring and enforcement.

I am opposed to the proposed use of land at Eagle Mountain as a landfill.

Sincerely.

Fred Kozak

Response to Comment 166-1

Comment acknowledged.

COMMENT LETTER 167

Secretary Bruce Babbitt
8th and C Streets, NW
Washington, DC 20240

Bruce Babitt,

I am writing to you to urge your support to **fully protect the desert tortoise on Park Service and BLM lands as well as reauthorization of the Endangered Species Act with proper funding for monitoring and law enforcement!** The National parks have only small fragments of desert Tortoise populations left- they are not viable populations in and of themselves. They are endangered because of all of the land abuse activities going on in the Mojave desert and elsewhere. I further oppose the proposed landfill on BLM land at Eagle mountain. This landfill will cause serious threats to the desert tortoise and other wildlife.

Overall, I am disgusted how the Mojave desert is treated. It is an atrocity to have cattle grazing these lands. Deserts are not adapted to heavy grazing practices like grasslands, they are far too fragile to allow livestock grazing. Furthermore, this land is treated as a vast wasteland where the air force can go bomb testing and motorcyclists can rampage the land! This National Park like all Parks need far more protection and law enforcement.

I'm tired of private interests and the wise use movement getting their way and destroying our public lands and wildlife! I want the publics interest to finally be represented!!!!!

Thank you for your time,

Jinnie Livingston

Po Box 565
Boulder Creek, Ca
95006

Response to Comment 167-1

Comment acknowledged.

COMMENT LETTER 168

Mrs. Simeon Locke
146 Georgetown Road
Boxford, Massachusetts 01921

August 26, 1996

The Honorable Bruce Babbitt
Secretary, Department of the Interior
18th and C streets N.W.
Washington, D.C.

Dear Secretary Babbitt

I am writing to urge full support for the desert tortoise on Park Service and BLM lands. Despite the claims of some that the threats to tortoises have been exaggerated, these animals are in serious trouble in most of their geographical range. In parts of the Mohave Desert, where field researchers in 1920's estimated 100 tortoises per square mile, there are now 20 to 50. In other parts, tortoise populations have simply vanished. This alarming decline is due principally to habitat destruction caused by inappropriate cattle and sheep grazing, water diversion, and by the thousands of off-road vehicles that pour into the desert on weekends to tear up the landscape, but tortoises are also subject to poaching and wanton shooting.

Steps to give the tortoise adequate protection include the acquisition of protected habitat or reserves, an Endangered Species Act which provides proper funding for law enforcement and monitoring, and the refusal to let the BLM turn Eagle mountain in Joshua Tree Park into a gigantic land fill which will take 20,000 tons of garbage a day for over one hundred years. Joshua Tree is critical tortoise habitat.

Please act before yet another species is pushed to the brink of extinction.

Sincerely yours
Jean H. Locke

Response to Comment 168-1

Comment acknowledged. The mitigation measures specified in Section 4.7 of the Draft EIS/EIR will reduce the impacts to below the level of significance.

COMMENT LETTER 169

142 Spring Ave.
Hatboro, PA 19040

September 16th, 1996

Bureau of Land Management
ATTN: Eagle Mountain
6221 Box Springs Blvd.
Riverside, CA 92507

Dear Sir/Madam:

We are writing to ask that your agency reconsider the planned utilization of a site at Eagle Mountain adjacent to the Joshua Tree National Monument as a landfill. We visited this area many years ago and have recently revisited it vicariously through photos shared by our grandchildren, avid rock climbers and naturalists who cherish this beautiful park. The idea of having a landfill border the area sickens us. Surely the environmental effects of such a plan cannot escape you!

Too many of our national parks have already been ruined; Please don't add Joshua Tree to the list!!

Sincerely,

George & Elsie Marsh

Response to Comment 169-1

Comment acknowledged.

COMMENT LETTER 170

201 E. 79 St.-Apt.17C
New York,N.Y. 10021-0844
Aug. 26,1996

Interior Secretary BRuce Babbitt
18th and C streets NW
Washington, D.C.20240

Dear Secy Babbitt:

I support full protection of the desert tortoise on Park Service and BLM lands. Also reauthorization Of the Endangered Species Act with proper funding for monitoring and law enforcement.

I oppose the proposed landfill on BLM land at Eagle Mt.

Yours truly,
Helen Mattin
Helen Mattin

cc: Rep. Carolyn B. Maloney

Response to Comment 170-1

Comment acknowledged.

COMMENT LETTER 171

220 New Road
Horsham, PA 19044

September 15th, 1996

Bureau of Land Management
ATTN: Eagle Mountain
6221 Box Springs Blvd.
Riverside, CA 92507

Dear Sir/Madam:

I am writing to protest the proposed utilization of a site at Eagle Mountain adjacent to the Joshua Tree National Monument as a landfill for the next 17 years. Please do not proceed with this plan to dump 20,000 tons of garbage daily so close to such a popular and unique natural resource! The southeast corner of Joshua Tree Monument will surround the landfill on three sides: This plan will surely upset the balance of the ecological system of Yosemite National Park, especially the wildlife of the Joshua Tree Monument area...

Too many American citizens utilize this area for camping, hiking, rock climbing, and simply experiencing nature at its finest, to ruin it by having a landfill bordering three sides of Joshua Tree. Please reconsider your plan and find an alternative.

Sincerely

Diane Mc Clain

Response to Comment 171-1

Comment acknowledged.

August 9, 1996

RIVERSIDE, CA

Joshua Tree National Park
74485 National Monument Dr.
Twentynine Palms, Ca. 92277
619 367-7511

Re. BLM Landfill
Written Comments accepted through
Sept 11, 1996

Re A.P.N. 705-080-008-9

I have owned the above property
for many years - Do I get paid
for my land?
I dont need to accept Trash, on the
Cuff - etc., coming from Southern Calif.
for 10-11 years or 2,000 Tons a day
making one of the National Landfills
The Judge and the Report did not
analyze sufficiently the effect of Dump
operations on the National park
Ground Water from Toxins produced
by Decomposed Trash

Kathryn A. Miller
Box 1178, Perris, Ca
657-6760 92572

1

Response to Comment 172-1

It is assumed that the comment refers to the Department of Interior attachment to the comment letter, which discusses the possibility of BLM acquisition of private lands affected by the CDPA. It is suggested that the commenter contact one of the BLM or NPS representatives listed on the Department of Interior notification for clarification of this issue.

August 9, 1996

BLM wraps up its landfill hearings

By Phil Hampton
The Press-Enterprise

RIVERSIDE

About 150 people turned out Thursday in Riverside for the final hearing by federal officials on a proposal to turn a closed iron ore mine at Eagle Mountain, east of Indio, into one of the nation's largest landfills.

Dump critics said they are worried about air and water pollution caused by Eagle Mountain operations, and about its location within two miles of Joshua Tree National Park. Supporters said Eagle Mountain would provide landfill capacity needed throughout California, create jobs and generate revenue for county government.

The arguments were similar to those made at three other hearings held by the U.S. Bureau of Land Management this week in Desert Center, Palm Springs and the national park.

More than half of those at the meeting in Riverside Municipal Auditorium were Kaiser retirees who wore white caps and buttons in support of the landfill.

Kaiser retirees who lost their pensions in the company's bankruptcy reorganization in the mid-1980s stand to benefit from the proposal because the closed mine that will be used for the landfill is owned by Ventures Inc. of Ontario, which controls the company proposing the dump, Mine Reclamation Corp. of Palm Desert.

"It's an excellent project . . . for the environment, and it's excellent for the thousands of people, not just retirees, who will benefit from it," said Ron Bitonti, head of trust association for Kaiser retirees.

But David Lanham, an operating engineers union official from Riverside, said the economic benefits are overstated because Mine Reclamation may use inmates from a nearby minimum-security prison as landfill workers. Also, any workers at Eagle Mountain would be replacing those who lost jobs when other landfills closed, he said.

"I don't know how they're going to create all these jobs mysteriously by creating one big megadump in the desert," Lanham said.

The county Planning Commission will hold additional hearings late this fall on the proposal before making a recommendation to the Board of Supervisors. Supervisors are not expected to make a decision on Eagle Mountain until 1997.

The landfill would be in the canyons and pits of an iron ore mine 60 miles east of Indio. Plans call for the dump to accept trash from Southern California for 117 years.

At peak operation, trains and trucks would bring in 20,000 tons a day, ranking Eagle Mountain among the biggest landfills in the nation. That compares with about 4,200 tons a day now buried at all 12 landfills in Riverside County combined.

Kaiser needs approval from federal officials to use a rail line to haul trash to the site. Kaiser also wants to trade about 2,500 acres along the rail route for about 3,500 acres of federal land at the mine needed for landfill operations.

County supervisors approved a similar landfill plan in 1992. Opponents sued, and two years later a judge ordered a new environmental report. The judge said the report did not sufficiently analyze the effect of dump operations on the national park and the ability of a lining system to withstand earthquakes and protect ground water from toxins produced by decomposing trash.

A new environmental report released last month attempts to address these and other concerns.

Written comments on the report will be accepted through Sept. 17. Comments and responses will be added to a final environmental assessment due out in November.

United States Department of the Interior

Bureau of Land Management
National Park Service
CALIFORNIA

Dear Private Land Owner:

The President has signed into law the California Desert Protection Act (CDPA) designating 3.6 million acres of public lands in southern California as wilderness administered primarily by the Bureau of Land Management (BLM) and 3 million acres as additions to the National Park Service (NPS) system. Our records indicate that you are a private landowner who may be affected by this new law.

People who own land completely surrounded by BLM wilderness have rights of adequate access for the reasonable use and enjoyment of their land. When allowing such access is detrimental to the character of a BLM wilderness, the BLM may discuss the possibility of acquiring your land by purchase or exchange before granting access. Any purchase or exchange can be made only with your agreement.

People who own lands or interests in lands within the boundaries of the NPS areas designated by the CDPA possess rights of adequate access for the reasonable use and enjoyment of their lands. The NPS will prepare plans that examine all nonfederal lands or interests in lands that are within the boundaries of the three NPS areas in the California Desert (Mojave, Death Valley and Joshua Tree). The plans may consider acquisition of lands necessary to protect NPS purposes and values. The plans will be subject to public review and comment. If your private lands are patented mining claims and you are mining such lands, NPS regulations apply to such conduct.

If you have any questions concerning the CDPA and its impact on private landowners, contact one of the local BLM or NPS offices listed on the enclosed sheet. A map showing general wilderness and NPS boundaries is also enclosed.

Sincerely,

Henn R. Bisson, District Manager
California Desert District
Bureau of Land Management

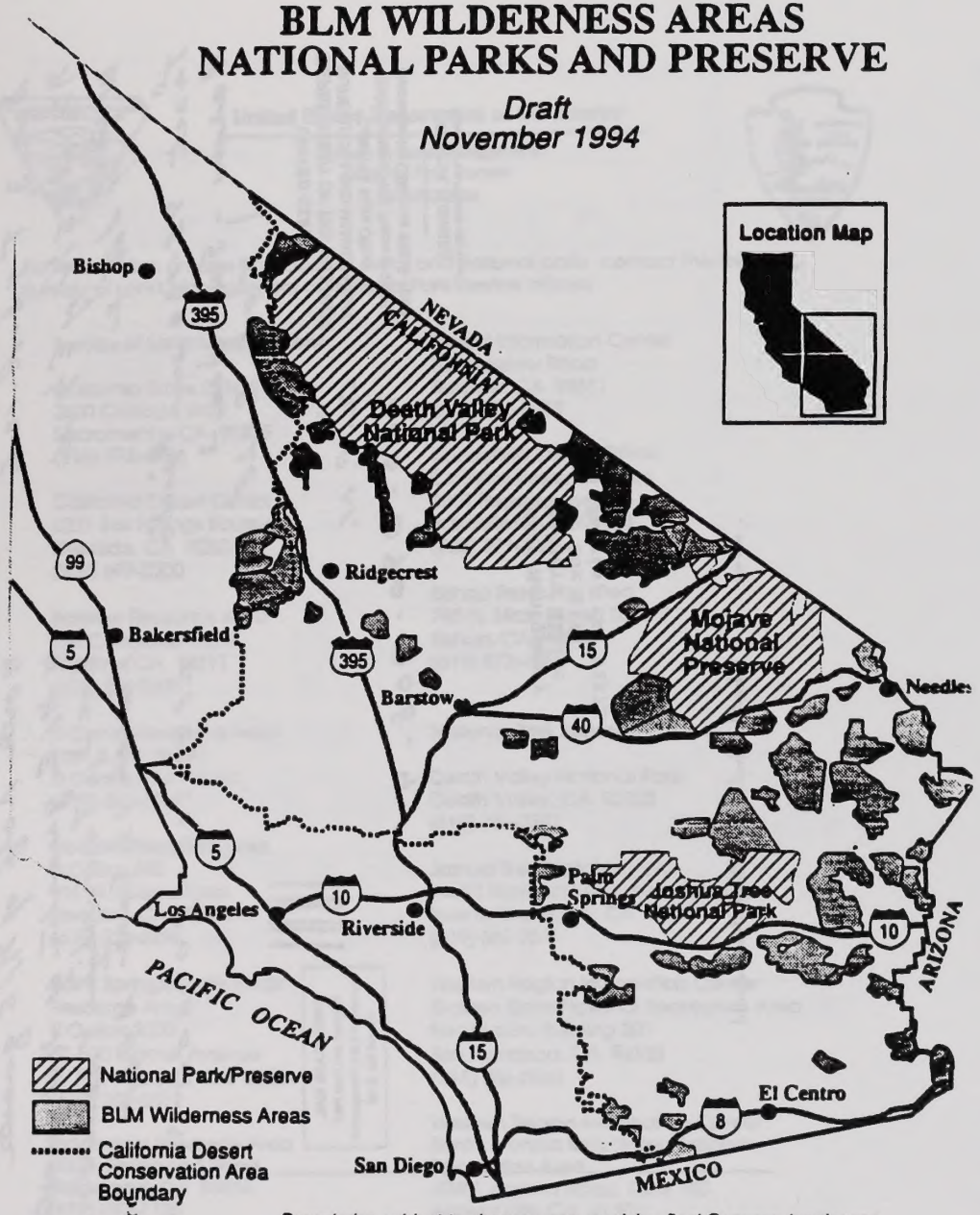
Alan O'Neill, Acting Superintendent
Mojave National Preserve
National Park Service

Ron Fellows, District Manager
Bakersfield District
Bureau of Land Management

Enclosures

BLM WILDERNESS AREAS
NATIONAL PARKS AND PRESERVE

Draft
November 1994



Boundaries subject to change upon receiving final Congressional maps.

Sec. 3, T 4S-R-12 E
N½ of NE¼ of E½ of
W½ of Lot 2

Tract 45-130 in Pinto
Basin - San. Sec 3
T 4S. R 12E

North half of N/E quarter
of N/E. quarter of NW quarter
Sec 3, Township 4 South
Range 12 East S.B.B.M.

APN. 705-090-008-9

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
California State Office
2800 Cottage Way, Room E-2845
Sacramento, California 95825-1889

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

A. P. N.
705-090-008-9

FIRST-CLASS MAIL
Postage and Fees Paid
Bureau of Land Management
Permit No. G-76

Mary Montgomery
Kathryn Miller
PO Box 1178
Perris, CA 92572

United States Department of the Interior

Bureau of Land Management
National Park Service
CALIFORNIA

For information on uses in wilderness areas and national parks, contact the following Bureau of Land Management or National Park Service offices:

Bureau of Land Management

California State Office
2800 Cottage Way
Sacramento, CA 95825
(916) 978-4754

California Desert District
6221 Box Springs Boulevard
Riverside, CA 92507
(909) 697-5200

Barstow Resource Area
150 Coolwater Lane
Barstow, CA 92311
(619) 256-3591

El Centro Resource Area
1661 S. 4th Street
El Centro, CA 92243
(619) 353-1060

Needles Resource Area
P.O. Box 888
101 W. Spikes Road
Needles, CA 92363
(619) 326-3896

Palm Springs/South Coast
Resource Area
P.O. Box 2000
63-500 Garnet Avenue
N. Palm Springs, CA 92258
(619) 251-0812

Ridgecrest Resource Area
300 S. Richmond Road
Ridgecrest, CA 93555
(619) 375-7125

Desert Information Center
831 Barstow Road
Barstow, CA 92311
(619) 256-8313

Bakersfield District Office
Caliente Resource Area
3801 Pegasus Avenue
Bakersfield, CA 93308
(805) 391-6000

Bishop Resource Area
785 N. Main Street, Suite E
Bishop, CA 93514
(619) 872-4881

National Park Service

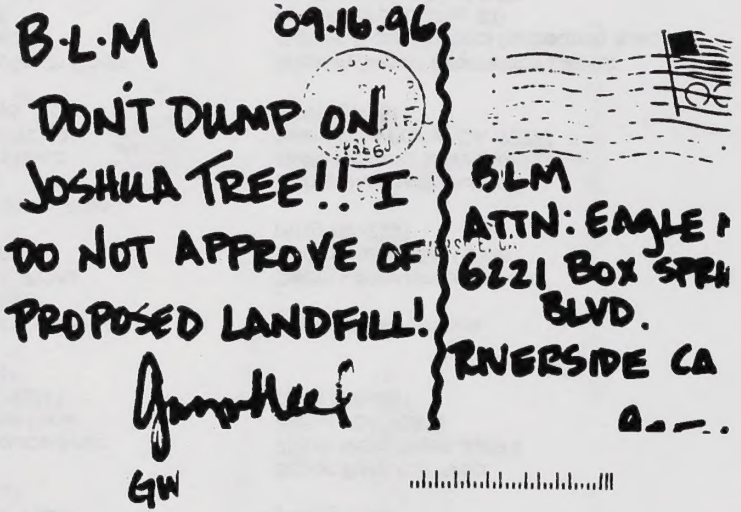
Death Valley National Park
Death Valley, CA 92328
(619) 786-2331

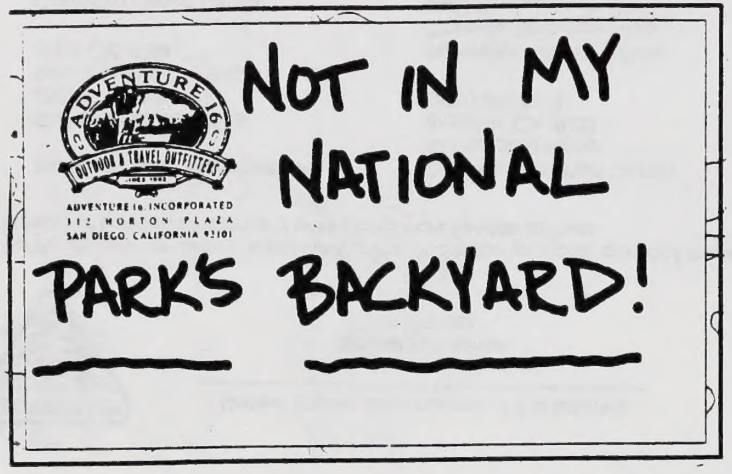
Joshua Tree National Park
74485 National Monument Drive
Twentynine Palms, CA 92277
(619) 367-7511

Western Region Information Center
Golden Gate National Recreation Area
Fort Mason, Building 201
San Francisco, CA 94123
(415) 556-0560

Western Region Information Center
Santa Monica Mountains National
Recreation Area
30401 Agoura Road, Suite 100
Agoura Hills, CA 91301
(818) 597-9192

COMMENT LETTER 173





Response to Comment 173-1

Comment acknowledged.

COMMENT LETTER 174

5/19/96

To: Interior Secretary Bruce Babbitt,

I support full protection of the desert tortoise on Park Service and BLM lands as well as reauthorization of the Endangered Species Act with proper funding for monitoring and law enforcement. I also strongly oppose the proposed landfill on BLM land at Eagle Mountain.

sincerely,

Katie A Reinhard

9452 E. Valley Ranch Parkway

617

Irving, TX 75063

Response to Comment 174-1

Comment acknowledged.

COMMENT LETTER 175

INTERIOR SECRETARY BRUCE BABBITT
18th & C STS., N.W.
WASH, DC 20240

DEAR INTERIOR SECRETARY BABBITT;

I strongly support full protection of the desert tortoise on Park Service & BLM lands as well as reauthorization of the Endangered Species Act with proper funding for monitoring and law enforcement.

I strongly oppose the proposed landfill on BLM land at Eagle Mountain.

Respectfully yours,

STELLA

STELLA REINHARD
213 N. BROAD ST.
SALEM, VA 24153

Response to Comment 175-1

Comment acknowledged.

5/21/96

COMMENT LETTER 176

SEP 4 1996

To whom it may concern:

After reading an article in National Geographics "Travel" magazine, I became aware of the threat of the construction of the world's largest dump next to California's Joshua Tree National Park. The damage this site would cause to the park is obvious and devastating. 1

This is another example of greed and misuse of resources at work. And as a registered voter, I am once again appalled.

Please consider my concern, as well as my disapproval as well as numerous others across the country and as well as disapproval of this proposal.

Please send me any information and/or addresses of other sources to which I can voice my opinion on this matter.

Sincerely,

Margaret Pollard

Margaret Pollard
235 Church St.
Newburyport, Mass. 01950

Newburyport, Mass. state resident.

Response to Comment 176-1

Comment acknowledged.

COMMENT LETTER 177

July 15, 1996

Dear Mr. Babbitt,

I am asking you to support full protection of the desert tortoise in Park service & BLM lands as well as reauthorization of the Endangered Species Act.

I strongly oppose the proposed landfill on BLM at Eagle Mt.

Keep up your good work.

Peggy Spicker
550 Long Branch Rd.
Cullowhee N.C. 28723

Response to Comment 177-1

Comment acknowledged.

COMMENT LETTER 178

#5114 McIntosh Center
3001 Broadway
New York, NY 10027-6598
August 21, 1996

Interior Secretary Bruce Babbitt
18th and C Streets, N.W.
Washington, D.C. 20240

Dear Mr. Babbitt:

I am writing to express my concern and support for full protection of the desert tortoise on Park Service and BLM lands. I also support the reauthorization of the Endangered Species Act with proper funding for monitoring and law enforcement. I hope that you will consider the animals involved in these disturbing issues, and the long-term effects they will suffer when you are faced with any decisions.

Sincerely,

Nina F. Travinsky

Nina F. Travinsky
Barnard College/Columbia University Student

Response to Comment 178-1

Comment acknowledged.

COMMENT LETTER 179

RECEIVED
BUREAU OF LAND MANAGEMENT
03 SEP 19 PM 12:21
RIVERSIDE, CA

The Bureau of Land Management
Attn: Eagle Mountain
6221 Box Spring Blvd
Riverside, CA 92507

To Whom it May Concern:

I was alarmed to read in Climbing Magazine of the proposed Eagle Mountain Landfill. The proposed landfill being within half a mile of the southeast corner of Joshua Tree would cause an undesirable impact on the surrounding nature and wildlife. To quote Superintendent Ernest Quintana, "Garbage is an immense food source for animals and when they feed on it , it will upset the balance of nature." The landfill will no doubt affect the area as a whole possibly reducing air quality and visibility. I write to you as a Joshua Tree National Park patron, environmentalist and fellow Californian to urge you to reject the Eagle Mountain Landfill sight.

Best Regards,

Jessica Whilden
Outreach
Adventure 16, Inc.
4620 Alvarado Canyon Road
San Diego, Ca 92120

Response to Comment 179-1

As discussed in Draft EIS/EIR Section 4.7, Project design and mitigation measures will preclude the use of the landfill as an alternative food source by local wildlife. Please also see General Response 6. With regard to air quality and visibility, please refer to General Response 7.

COMMENT LETTER 180

RECEIVED
97 AUG 12
DISTRICT

August 12, 1996

Eagle Mountain Landfill and
Recycling Center Project
Bureau of Land Management
6221 Box Springs Blvd
Riverside, Calif. 92507

Dear Sirs:

I, Mary S. Wilmot, 7837
Bannock Trl., Yucca Valley, Ca. 92284
am opposed to the project of building
a mega dump at Eagle Mountain.

No matter how careful we think
we are, the dump will eventually
Contaminate our water. And we for
a few dollars will have made our
desert a wasteland. Who will clean
it up? Not we, but our children
and great grandchildren. What a
legacy we will leave them.

1

Mary S. Wilmot
Mary S. Wilmot
7837 Bannock Trl.
Yucca Valley, Ca.
92284

Response to Comment 180-1

Please refer to General Response 5 and Response to Comment 17-54.

COMMENT LETTER 181

PO Box 10101
New Brunswick, NJ 08906
August 21, 1996

Bruce Babbitt
Secretary, Dept. of the Interior
18th and C Streets, NW
Washington, DC 20240

Dear Secretary Babbitt:

This is to voice my support for the protection of the desert tortoise and reauthorization of the Endangered Species Act.

I fully support the protection of the desert tortoise on Park Sevice and Bureau of Land Management lands, as well as the reauthorization of the Endangered Species Act with proper funding for monitoring and enforcement.

I am strongly opposed to the proposed use of land at Eagle Mountain as a landfill.

Sincerely,

Teresa Yaegel-Souffront

Response to Comment 181-1

Comment acknowledged.

COMMENT LETTER 182

RECEIVED
BUREAU OF LAND MANAGEMENT
96 SEP 20 PM 12:33
DESERT DISTRICT
RIVERSIDE, CA.

JOSE ACOSTA
PEAK IMAGE PHOTOGRAPHY
8 SHARP'S WHARF
CAMDEN, MAINE 04843
(207) 236-0366

9/16/96

BLM
Eagle Mountain
6221 Box Springs Blvd.
Riverside, CA. 92507

To whom it may Concern:

I wanted to add my objection to the proposed landfill at Eagle Mountain. It's location on the border of Joshua Tree National Monument must negatively impact the natural order of the monument itself. Resident animals from JTNM will find a new food source in the dump and in the end it can only damage the sensitive desert ecosystem of JTNM. 1

There is little hope that the heavy equipment which the Eagle Mountain Landfill would necessitate could operate without affecting the air quality, viewshed and the sense of natural solitude which I have enjoyed on my trips to Joshua Tree. I sincerely hope that the BLM can find a more suitable location for this project. 2

Sincerely,

J. A

Response to Comment 182-1

Comment acknowledged. Please see General Responses 3 and 6.

Response to Comment 182-2

Please see General Responses 3 and 7.

COMMENT LETTER 183

Eagle Mt. Landfill and Recycing Center Project
Bureau of Land Management
6221 Box Springs Boulevard
Riverside, CA. 92507
RE: Response to E.I.R. Eagle Mt. Landfill project

RECEIVED
BUREAU OF LAND MANAGEMENT
95 SEP 17 PM 12:53
RIVERSIDE, CA

While I believe there are many issues that cannot be mitigated, I would like to address the issues of Rail safety and delays. First I would like to point out some facts and figures taken from the E.I.R. and Appendices.

No. 1 The list of Rail Crossings in the East Coachella Valley, specifically from Dillon road to Ave. 66 (table 3.3-2). Also listed is the Hazard index, Hazard index rankings, and the delay rankings (Appendix D Traffic impact analysis/appendix A page 1).

Crossing	Hazard index	Hazard index ranking	Delay ranking
Ave. 66	18,194	5	5
Ave. 62	2,846	21	19
Ave. 58	6,661	12	17
Airport blvd.	26,681	3	3
Ave. 54	IGNORED WHY ??????????????????????		
Ave. 52	5,757	13	14
5th St.	2,167	22	25
Ave. 50	12,020	9	13
Dillon Rd.	33,712	1	1

1

Total number of rail crossing in segment one: 54

I would also for the record like to acknowledge statements from the E.I.R. document.

According to Appendix D / ES-4
"an average of 9.4 trains will utilize the primary rail segment" (which includes all East Valley rail crossings).

According to Appendix D / ES-4
"a total of 2.5 minutes would pass from the moment the gate started down until the moment the last car at the rear of the vehicle queue crossed the rail road tracks".

According to Appendix D / Introduction page 16
"the average distance between crossings is 4.7 miles, the highest of all segments identified" (which includes all East Valley rail crossings).

According to Table 3.8-3 of the E.I.R.
Hispanics (the correct term being Latinos) in Riverside County are referred to as "other".

Response to Comment 183-1

In response to this comment, the rail crossings in the Coachella were reviewed in the field. The comment is correct that the Avenue 54 crossing is not grade-separated (it has automatic gates). The other crossings in Coachella were also rechecked and confirmed to be correctly classified in Appendix D of the EIS/EIR.

The hazard index for the Avenue 54 crossing was calculated based on traffic count information provided by the City of Coachella Public Works Department.

Traffic Hazard Index Avenue 54, Coachella

Year	Without Project	With Project
1996	5,267	N/A
2000	6,331	6,632
2005	12,528	13,423
2010	13,611	14,907

In 1996, the Avenue 54 crossing ranks 14th in the Eagle Mountain to Ferrum Junction segment (segment 1). In 2000, 2005, and 2010, for both the with- and without-Project cases, the Avenue 54 crossing would also rank 14th. This data does not change the conclusion of significance in the EIR.

The City of Coachella has proposed (and the California PUC has approved) a grade separation at Avenue 50 (personal communication, Andy Linehan, CH2M HILL, with John Curtis, City of Coachella Public Works Director, December 16, 1996). This overpass, which will be constructed by 1998, will close the at-grade crossings at 5th Street and Avenue 50. This grade separation will reduce traffic delays and hazards at grade crossings in Coachella.

The reference to a 2.5-minute delay was specifically for the Dillon Road crossing. As noted in Appendix D, crossing delays are expected to be in the range of 1 to 2.5 minutes per train.

Using the previous information I can factually make the following statements.

Of the 54 identified rail crossings the cities of Coachella, Thermal, and Mecca have a total of 8 crossings (actually 9 but ave. 54 was ignored), of which 3 of the top 5, 6 of the top 15, and 8 of the top 25 are the most hazardous in segment 1. This includes the #1 Dillon rd., #3 Airport blvd., and the #5 crossing Ave. 66.

Of the 54 identified rail crossings the cities of Coachella, Thermal, and Mecca have a total of 8 crossings (actually 9 but ave. 54 was ignored), of which 3 of the top 5, 5 of the top 15, and 8 of the top 25 have the highest crossing delays in segment 1. This includes the #1 Dillon rd., #3 airport blvd., and the #5 highest delayed crossing ave. 66.

* Please note for some unexplained reason ave. 54 was omitted, not in name but in statistics. Since there is no overpass on ave. 54 this omission must have been intentional, and a full examination of the crossing should be prepared.

Also according to the previous information 9.4 trains will pass daily, and each train will delay the public 2.5 minutes. Using basic math the crossings from Dillon to Ave. 66 will be delayed 23.5 minutes a day, 164.5 minutes a week (2.7 hours), 650 minutes a month (10.9 hours), and 7096 minutes a year (131.6 hours) give or take a minute or two. The E.I.R. states the lifetime of this project is 117 years, so it would follow that the delay to the public will total somewhere in the neighborhood of 15397 hours or 641.5 days.

The previous information also stated that the average distance between rail crossings is 4.7 miles. Should a stoppage or accident occur the distance will increase to 9.4 miles.

The EIS/EIR analysis used conservative assumptions about train length (assumed to be 8,000 feet for the EIS/EIR traffic studies) and train speeds (assumed to be 35 mph). The EIS/EIR analysis concluded that vehicle crossing delays resulting from the Project would be 2.6 minutes per train, with an average of 4.7 round trips (or 9.4 train disruptions) per day. This is not considered to be a significant impact. The total delay (i.e., the sum of the delay in minutes experienced by each vehicle delayed) at each crossing is projected to range from 0.01 to 0.21 hour per train, significantly less than the 1 to 3 hours of cumulative delay encountered at crossings in the Los Angeles basin identified by the PUC as experiencing delay problems.

The train length assumed in the EIS/EIR analysis (8,000 feet) is a conservative estimate. In reality, trains will be shorter than the 8,000 feet assumed in the EIS/EIR (typically 6,000 feet), and trains in the vicinity of Coachella, would normally operate at an average speed of 45 mph. Using these more realistic assumptions, average delays experienced by a single vehicle at a crossing would be an average of 1.5 minutes per train.

Putting all this together one can determine that this project "REEKS" of racial targeting and discrimination. The communities of Coachella, Thermal, and Mecca are predominantly Latino and are among the poorest in the country. Yet this project has decided that the unreasonably high hazards and delays are acceptable. The statement " Because at grade delays are not
2 considered to be a significant impact, no mitigation measures are required" tells me that poor Latinos can wait for emergency vehicles and emergency services. In fact when the E.I.R. talks about accidents along the rail line it is more worried about restoring trash service, and totally ignore the fact that the public or more importantly emergency vehicles will be delayed and made to use alternate routes thus endangering the public safety.

Another statement "To address the safety of at grade crossings in the vicinity of the project, warning signs will be placed in select appropriate locations" is probably the second biggest insult in this E.I.R. To say your going to put up signs in a community in which all it's rail crossings are ranked in the top 25 of the most dangerous crossings leads me to believe that M.R.C. doesn't feel the lives and safety of poor Latinos have any value. If there is any doubt about how M.R.C. feels about the people who live in Coachella, Thermal, and Mecca just refer to Table 3.8-3 of the E.I.R. in which Latinos are simply called "OTHER".

Response to Comment 183-2

The proposed Project is neither discriminatory nor racially prejudicial. Sections 3.8 and 4.8 contain detailed discussions of the current status and anticipated potential impacts to minority and low-income populations within the Project area. In particular, Section 4.8.1.2 specifically discusses and establishes standards of significance against which to measure potential impacts to minority and low-income populations that could be considered to be disproportionately high, when compared with the population at large.

As noted in Section 4.3 and Appendix D of the Draft EIS/EIR, potential delay or safety impacts at rail crossings due to the proposed Project are not considered to be significant, in general. Because any and all citizens of the Chuckwalla Valley using local roads and highways along the proposed rail-haul route could be subjected to minor delays at rail crossings, no disproportionately high adverse impacts would occur to minority or low-income populations.

With regard to the use of the term Hispanic rather than the commenter's preferred term of "Latino" and the inclusion of persons of Hispanic heritage within the category of "Other" in Table 3.8-3, the commenter is referred to Response to Comment 183-2(a) above, and it is noted that the term Hispanic is the categorization used by the U.S. Census Bureau from which the data in Table 3.8-3 are taken.

Table 3.8-3 provides a compilation of persons by race within Riverside County for whom poverty status was determined by the U.S. Census Bureau in 1989. The categorization provided in Table 3.8-3 is that used and reported by the Census Bureau and is not intended in the EIS/EIR to infer that the Latino population in the Chuckwalla Valley is inconsequential or that potential train impacts to this population are not important. As noted in the caption to this table, "Race," as used by the Census Bureau, is not meant to denote any scientific or biological component of race. The subgroups displayed in this table represent the self-categorization of respondents (i.e., individuals identifying themselves as Hispanic could also be included under other ethnic classifications.)

It is recognized that a large portion of the eastern portion of the Coachella Valley is Hispanic or Latino.

The only true way to mitigate these problems in the East Valley would be to place an overpass at every other rail crossing in the affected area. Now while U.R.C. may say it is not their responsibility, if the county wants it to be it will become their responsibility. But if the county allows this E.I.R. to be accepted it will become the responsibility of the County of Riverside. And should it become the responsibility of the county any person involved in an accident, become injured, or die because of a delay to an emergency vehicle due to a train that the county allowed because of this project should rightfully hold the County of Riverside accountable. You can be sure that I and others will encourage them or their family members to do just that.

3

Earlier I mentioned the second biggest insult in this E.I.R., now I'll mention the biggest insult. That insult is to the residents of Riverside County by allowing this disastrous project to re-surface again.

Thank you for your time.

Sincerely Joey Acuna Jr.

JOEY ACUNA JR.
52-280 CALLE CAMACHO
COACHELLA , CA. 92236
(619) 398-5703

Response to Comment 183-3

The comment calls for construction of numerous highway overpasses at rail crossings throughout the Eastern Coachella Valley as the only viable option to mitigate potential Project-related traffic delays and hazards. CEQA requires mitigation to avoid, minimize, or eliminate significant or potentially significant Project-related impacts. The UP merger plan anticipated the addition of capacity through Coachella Valley in the future, and funds have been identified in the Operating Plan to provide improvements, thus decreasing future potential delays at at-grade crossings. (Personal communication, Tom Peters and Ray Allamong, Union Pacific Railroad, January 8, 1997.) As noted in Section 4.3 and Appendix D, the proposed Project is not expected to have a significant impact on at-grade delays or public safety from the standpoint of rail operations. It is noted that when the County of Riverside Board of Supervisors approved the Project in 1992, it explicitly determined that a specific portion of the revenue from the non-County waste would go toward rail safety improvements. No such allocation of potential revenue has been made by the County at this time.

COMMENT LETTER 184

1253 West Addison
Chicago, IL 60613

RECEIVED
SEP 2 [illegible] 1996
VERSIDE COU
[illegible]

Riverside County Planning Dept.
4080 Lemon Street
9th Floor
Riverside, CA 92501

To whom it may concern:

1 I am writing to express my concern about the proposal to build the Eagle Mountain Landfill within 1.5 miles of Joshua Tree National Park. After visiting Joshua Tree and many other National Parks over the course of the last few years, I have come to believe that our Parks are deserving of our utmost attention and feel that the potential impact of a project such as this cannot be underestimated. This is especially true of a project so close to park boundaries which could have a major impact on water supply, which is one of the major concerns in all of our National Parks.

2 If possible, I would like to obtain more information on the landfill, in addition to information from any groups supporting or opposing the proposal. Thank you.

Sincerely,

Frank Barbaro

Comment 184-1

Comment acknowledged. Please see General Response 3.

Response to Comment 184-2

Comment acknowledged. The commenter has been added to the mailing list for the Final EIS/EIR. Additional information is provided in the Final EIS/EIR, including letters from those in support of or opposition to the Project.

COMMENT LETTER 185

SEP 25 1996

Donald Beckermann
3239 Altura Ave #9
La Crescenta, CA 91214

September 18, 1996

Re: Eagle Mountain landfill

Dear Sirs,

1 While reading the Sept/Oct issue of National Geographic Traveler, it has come to my attention that there are plans currently underway to develop land adjacent to the Joshua Tree National Park into a megadump. This dump, called the Eagle Mountain landfill, would spread over 2,164 acres and would operate 24 hours a day for the next 78 years. Frankly, I get a headache every time I contemplate the potential environmental ramifications of such an undertaking. This letter is to express my opinion why I believe that the landfill project is a bad idea.

2 First of all, the desert is the home to many threatened species of animals and plants - such as the desert tortoise and the Joshua tree. I know that there have been several parks and ranges established for the protection of these species, and that the Bureau of Land Management holds and monitors other lands. But the fact of the matter is that these set aside lands are not enough, particularly in a desert environment where resources are scarce. These species require a free range for access to water and food sources. Development can coexist with conservation, but not in the way that the Mine Reclamation Corporation proposes.

3 Plunking down a megadump within two miles of a National Park is asking for trouble. The potential for protected species contamination is enormous. Seventy-eight years is a long time, and certainly in that time something is bound to go wrong. Individual species (such as birds) that can leave the protection of the Park present the risk of bringing back disease from the landfill site. Let's face it, that dump is going to attract animals from all over like an all-you-can-eat buffet. One cannot also neglect to think about the potential for groundwater contamination. Groundwater is the only source of water for these plants and animals of the desert. And as we all know, groundwater is scarce. If groundwater becomes contaminated, the plants and animals have no alternative. Now I know that measures will be taken to prevent such happenings, but I ask you if you can *guarantee* that these measures will be sufficient and that they will not fail.

4 So far, I have only addressed the interests to the plant and animal populations. I now must also point out the potential hazards that this project would pose to the human population. The deserts are one of the few bastions of tranquillity that humans have left. California's desert environment stands out because it is free of the noise, overcrowding, and pollution that plague the cities. A landfill of the magnitude of the proposed Eagle Mountain would disrupt all that. Certainly, noise and air pollution would increase with a landfill of this or any size -

Response to Comment 185-1

Comment acknowledged.

Response to Comment 185-2

With respect to concerns expressed in the comment, a number of mitigation measures have been included to prevent access by species that could scavenge food from the landfill. These include fencing the active portion of the landfill to contain windblown material and exclude scavengers such as coyote and kit fox, raven population control as necessary, covering waste daily with at least 6 inches of dirt, continuous covering of waste, limiting the working face to 2 acres, and providing additional cover for areas that are inactive for 180 days. These mitigations are described in greater detail in Section 4.7 of the Draft EIS/EIR and are considered sufficient to prevent the Project from significantly affecting the level of nutrients from entering the desert ecosystem. Please see General Response 6.

Response to Comment 185-3

Please see General Response 5.

Response to Comment 185-4

Please see General Responses 2, 5 and 7.

that's a given. But there are also dangers to humans posed by the potential for groundwater pollution as was mentioned above.

Sure, Riverside county stands to make a lot of money over this development project - but it also stands to gain a reputation as the home of the megadump. I'm sure that the residents of Riverside county would rest easier at night knowing that a huge garbage dump does not exist in their back yards. Surely, alternative ways can be found to make money for Riverside county as well as handling California's trash. If nothing else, different sites away from Joshua Tree National Park should be considered.

5

That being said, I am interested in hearing your side of the story. I would like to see any information that you might have on the Eagle Mountain landfill project - particularly in terms of an environmental impact report. Thank you for your time, and I look forward to hearing from you.

6

Sincerely,

Donald J. Beckermann

Response to Comment 185-5

In reference to other landfill sites, see Section 5 of the Draft EIS/EIR and General Comment 1.

Response to Comment 185-6

The comment requests Project-specific information. The commenter has been added to the mailing list for distribution of the EIS/EIR.

COMMENT LETTER 186

RECEIVED
BUREAU OF LAND MGMT
SEP 16 PM

September 13, 1996

Eagle Mountain Landfill
and Recycling Center Project
Bureau of Land Management
6221 Box Springs Blvd.
Riverside, CA 92507

Bradford W. Berger, PhD.
PO Box 255
Pioneertown, CA
92268-0255

Dear Staff of the Bureau of Land Management:

I am sending these comments regarding the Eagle Mountain Landfill and Recycling Center Project (hereafter to be referred to as the "garbage dump" or the "dump"), in the hope that you will recognize the very serious flaws in the Draft Environmental Impact Statement/ Environmental Impact Report (DEIS) for this project and the project itself and thus, for the Bureau of Land Management (BLM) to oppose the project and to not transfer any BLM lands to Kaiser Ventures, Inc. (Kaiser) and Mine Reclamation Corp. (MRC) who have proposed to build and operate the dump. Please consider these comments in addition to those I made verbally at the public hearing held in Yucca Valley on August 7 of this year.

1 1) One of the primary purposes of the dump clearly stated in the project Abstract and in paragraph 4 of page 1-4 of the DEIS is to fill Kaiser's pit mine. This purpose, however, is brought into question upon analysis of the DEIS where one will find that filling the pit is to take place only after 78 years of dump operation (see page 2-45 for timing of the project phases – use of the pit is Phase 5, see Figures 2-16 and 3.5-1). In fact, the first 59 years of dump operation fills the canyons of the BLM land that Kaiser and MRC want to obtain. The reason for stating that the purpose is to fill the pit is obviously to make those assessing the project think that "the mine is already a major impact to the environment, why not use it for a garbage dump," while for nearly an entire human lifetime Kaiser and MRC use the property adjacent to the mine for their dump. As a citizen of the United States, and therefore one of the owners of the land they want to use for their dump, I say "No way!"

a 2) Another concern that is very closely related to that stated in 1) is the necessity of this project. The dump is proposed to be in operation for 117 years. If the dump were to begin operation next year, that means that it will be open until the year 2114. What will Southern California be like then? To
2 speculate on that, perhaps we can go back 117 years to illustrate. That would be the year 1880. If Californians had to imagine what the world would be like in 117 years could they have envisioned the automobile, the airplane, the telephone, the television, penicillin, computers and spaceships? Of course not. In fact, it didn't take anywhere near 117 years for many of these things that were unthinkable in 1880 to occur. Do these kinds of changes show signs of slowing? No, on the contrary, our technology is accelerating! By the time that Kaiser and MRC have nearly filled our public land with garbage and are just getting around to using their mine property any need for the dump (if, indeed, one exists even now) will very certainly be gone. What goes into our garbage dumps are precious natural resources. Whether they be metals, plastics, paper, compostable materials, etcetera, these materials will be in shorter supply and in higher demand in the future. This will make recycling a necessity well beyond our current and future mandated levels, yet the sections in the DEIS only use the mandated values.

b Landfill mining will also be a necessity and is a technology that is already seeing success not only in resource recovery, but in repair of existing landfills and increasing the life of those dumps. The DEIS incorrectly dismisses landfill mining as part of the alternative plan to the Eagle Mountain dump. Again, as a citizen, I am outraged that Kaiser and MRC would have the BLM even consider transferring natural habitat to them for use as a garbage dump. It seems reasonable that if the BLM were to even consider the land transfer, it should only do so after 59 years have elapsed.

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Response to Comment 186-1

Please refer to Response to Comment 20-45. See also General Response 1.

Response to Comment 186-2

(a) See Response to Comment 26-7 and 195-29.

(b) As described in Section 2.8.4, landfill mining was considered as an alternative but eliminated from further consideration due to potential public health concerns, limited application to certain waste types, costs, and the associated regulatory permitting and approval process. Although some limited landfill mining may occur in the future depending on results of ongoing research and pilot projects, the potential capacity resulting from mining of a few potential sites would not provide sufficient capacity to meet the long-term disposal needs of the Region. See Response to Comment 195-29 and 20-47.

3) The dump will seriously impact numerous plants and animals and the proposed mitigation for these harms is far too nebulous and incomplete. Although I have listed this as the third concern, it should by no means be thought of as being less important than those preceding it. Indeed, items 1) and 2) are related in that the BLM land to be transferred for the dump is high quality habitat. The DEIS would have us believe that these lands are of only a "B" scenic rating (see Figure 3.10-1) when they actually support the California barrel cactus, a BLM Sensitive species, and the foxtail cactus, a federal Category 2 candidate species and California Native Plant Society 1B species (see Section 4.7, Biological Impacts and Figure 3.10-2). Again, the DEIS tries to lead the reader away from judging the BLM land as the pristine land it is.

3

Response to Comment 186-3

Please see General Response 6.

Alverson's foxtail cactus: Since the Draft EIS/EIR was published, the results of an experiment in transplanting Alverson's foxtail cactus at the Project site have become available. These results indicate 100 percent survival of transplanted individuals 2 years following transplant. Additionally, 95 percent of these transplanted individuals have flowered following transplanting. Based on these results, additional mitigation for Alverson's foxtail cactus is proposed to include the collection of seed from transplanted individuals. Seed will be stored under appropriate temperature and humidity at the Department of Biology, University of California, Riverside, or similar institution. The survival of transplanted individuals will be monitored for 5 years. The transplant will be considered successful if survival after 5 years meets or exceeds 75 percent. Should this rate of survival be achieved, stored seeds may be discarded. Should survival after 5 years be less than 75 percent, the stored seed will be used to produce new individuals to replace the number of individuals that did not survive 5 years after the transplant.

California barrel cactus: The Final EIS/EIR has been modified to clarify that approximately 600 individual of this species would be lost over the approximately 100-year life of the project, rather than at one time. Mitigation will include transplanting individuals located within the area included in the active phase of the project as the project proceeds through each phase. These transplants would occur according to procedures acceptable for transplanting cacti. During the reproductive season prior to transplanting, seeds from individuals to be transplanted will be collected and stored under appropriate temperature and humidity at Department of Biology, University of California, Riverside, or similar institution. Survival of transplanted individuals will be monitored for 5 years following transplanting. The transplant will be considered successful if survival after 5 years meets or exceeds 75 percent. Should this rate of survival be achieved, stored seeds may be discarded. Should survival after 5 years be less than 75 percent, the stored seed will be used to produce new individuals to replace the number of individuals that did not survive 5 years after the transplant. These changes do not alter the analyses or conclusions of the EIS/EIR.

In addition, one of the primary mitigation measures stated
a in the DEIS is the creation of an Environmental Mitigation Trust based on a 1$/ton fee for use of the dump. One would think that this potential $700 million fund would be defined in a very exact way to prevent misuse and misappropriation, yet the only description of it is a few short paragraphs (see page 4.7-14 and the section discussing mitigation measures for bighorn sheep). There is no discussion of seed money for this trust, it is unclear
4 how the County of Riverside is to oversee or invest these funds and there is no estimation of how much money will actually be necessary for the environmental mitigation proposed. To make matters even more ridiculous, this nebulous trust fund is used to dismiss the No Action alternative in the
b DEIS! Destroying the habitat of endangered and threatened species must be looked at directly. Improving degraded lands cannot be used as justification
c for the destruction of pristine lands. The BLM must reject the land transfer because the proposed mitigation cannot offset the loss of habitat and because Kaiser and MRC have not stated a compelling argument for their need of it (see comments 1) and 2)).

4) What are perhaps the most correct findings in the DEIS are the non-
5 mitigable impacts to air quality of the South Coast Air Basin, the California leaf-nosed bat and Townsend's big-eared bat and the wilderness experience of the Joshua Tree National Park and surrounding area.

Response to Comment 186-4

(a) The Environmental Mitigation Trust is a mitigation measure in the Draft EIS/EIR (p. 4.7-13 and 14 and 4.7-35) that proposes land purchases as a way in which to set aside lands in perpetuity that are considered valuable habitat. The Trust will be administered by the County of Riverside Board of Supervisors. A committee, comprising state and federal agency representatives as well as environmental groups, will recommend the amount and suitability of lands to be purchased. Based on the projected funds available over the life of the landfill, the potential mitigation funds would enable land purchases several times greater than the actual lands affected. Both the BLM and the County will serve as two of the many committee members who will be participants in the review and selection of valuable habitat using Trust funds. Initial amounts going into the Trust likely will be about $1 million per year. Please see General Response 6.

(b) The comment that the Trust is used to dismiss the No Action alternative is not correct. As discussed in Section 4.7 of the EIS/EIR, under the No Action Alternative, BLM would not obtain and provide long-term protection to 2,486 acres of high quality habitat for desert tortoise, desert pupfish, Nelson's bighorn sheep, and other wildlife and plant species found on these lands. The No Action Alternative also would eliminate the establishment of the Environmental Mitigation Trust, which ultimately would provide up to $20,000 per day for the further acquisition and protection of important habitat for sensitive wildlife species.

(c) The proposed land exchange, in conjunction with the mitigation trust fund, will aid the BLM in its mandate to protect valuable habitat land. Land acquired through the mitigation trust will be chosen to enhance habitat connectivity, and protect habitat that currently is not protected in an effort to protect ecosystem function in the vicinity of the Project. The area acquired through the Environmental Mitigation Trust will far exceed the approximately 644 acres of land disturbed over the 100-year life of the project, thus the value of that habitat for sensitive and more common plant and wildlife species far exceeds that lost in the Project area.

Response to Comment 186-5

Comment acknowledged.

It is also very probable that the dump will contaminate the Chuckwalla aquifer (stated by the DEIS to be the primary source of water for domestic, agricultural, commercial and industrial uses in the area) due to untested materials and methods for the dump liner. All of these impacts verify that the project

6

should be rejected in light of the unclear need for the dump I have outlined in comment 2). It seems odd that not even one letter from any of the seven counties that the DEIS claims will use it, is included in the scoping comments or in the main text to back up this claim. We must have solid and clear evidence that the project is needed before we can even think of harming the water used by the families and businesses dependent on clean water and air, as well as destroying habitat for species that are threatened with global or local extinction.

7

5) Will the Townsite be a healthy community for families to live and work? The townsite will be adjacent to what would be the largest garbage dump in the world, as well as a state prison. Although there is little discussion in the DEIS about the long-term health effects of living in the Townsite, there is no discussion at all about the psychological impacts this community would have on its residents. The BLM may only be indirectly responsible for these aspects, but it has a responsibility to United States citizens to support land uses that are healthy and sustainable. If transfer of the BLM lands to Kaiser and MRC will result in a community being created with potentially serious environmental and social problems, it should reject the transfer. If we investigate these questions about the suitability of the Townsite as a quality community we will most likely find that it should be renamed Garbagetown.

8

Response to Comment 186-6

Please see Comment 220-1 and General Response 5.

Response to Comment 186-7

Please see General Response 1, which reiterates that the analysis of need for additional landfill capacity was based on, among other sources, the county-wide integrated waste management documents for the counties of Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Diego, and Ventura.

Response to Comment 186-8

With regard to the potential for long-term public health impacts, the commenter is referred to EIS/EIR Section 4.2 and Appendix E, as well as responses to Comments 22-8, 38-9-2, and 38-10. With regard to potential "psychological" impacts of living next to the proposed Project, it is to be noted that neither CEQA nor NEPA require consideration of such effects. Potential socioeconomic impacts are, however, discussed in Section 4.8 of the EIS/EIR, and data have been identified to suggest that there are detrimental psychological effects for residential areas proximate to licensed Class III landfills.

a The primary motive of Kaiser and MRC to build and operate their proposed Eagle Mountain garbage dump is, of course, money. Probing deeper into the DEIS raises other
b questions about the scope of their proposal such as why they want to use transferred BLM land, not their mine site, for nearly 60 years when they most likely know the need for the dump will dwindle in coming years or doesn't exist even now. Does this represent an unstated goal to expand use of the dump to neighboring states and even nations such as
c Mexico and Canada? This dump will definitely affect the environment of human and non-
9 human families in the area. The need for the project stated in the DEIS is insufficient to
d offset these impacts. In addition, the right of Kaiser and MRC to ownership of the mine
e site is in question. The site was originally public land that by a Congressional agreement allowed mining at the site (Private Law 790) as long as mining operations were continuous with no break longer than seven years. Mining ceased in 1982, thus the property should now belong to the public.

10 The BLM must reject Kaiser and MRC's proposal to transfer BLM lands to them because they have no need for the lands at this time and also because they may not even own some of the land they want to trade for it. I have outlined much of the reasoning for this above. Please take my comments and the comments of others opposed to the dump seriously and reject the DEIS and refrain from transferring any BLM land for use at the dump.

Sincerely,

Bradford W. Berger, Ph.D.

Bradford W. Berger, PhD.

Response to Comment 186-9

(a) Comment noted.

(b) As discussed in EIS/EIR Section 2.1, the proposed landfill surface area covers approximately 2,164 acres, consisting of canyons, ridges, and the former Kaiser open pit mine (East Pit), which covers approximately one-quarter of this acreage. Landfilling will progress from west to east in five primary phases. The western portion of the East Pit will begin being filled in about Year 29. The deepest portion of the East Pit will not be filled until Phase 5 of the operations. This phasing is simply the most efficient method to make use of the entire proposed landfill acreage.

(c) The Project applicant has no plans to open the landfill to out-of-state or international wastes.

(d) The comment that the need for the Project is insufficient to offset associated environmental impacts is unsupported. See also General Response 1.

(e) Approximately 2,071 acres of the Landfill Specific Plan area are owned by Kaiser in fee, and approximately 1,685 acres of the Landfill Specific Plan area are located on vested mining and mill site claims held by Kaiser. In the Chuckwalla Valley, Kaiser owns approximately 6,500 acres. See also General Response 4.

Response to Comment 186-10

Comment acknowledged.

T.G. BINGHAM
11235 E BERYL AVE
Scottsdale, AZ 85259

TO		INIT.	DATE
1	DM		8/9/96
	DSR		
	PA		
	ADMIN		
	RC&W		
2	P&RR		
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RETURN TO:			

97 AUG 12 PM 3:05

RIVERSIDE, CA

DISTRICT MANAGER, BLM
California Desert District
6220 Box Springs Blvd
Riverside, CA 92507-2497

PROTEST of proposed exchange of US interests 8-7-96
in lands in 523, T3S, R14E; 51, T4S, R14E; 531,
T3S, R15E; 56, T4S, R15E all SBM
Approximately 465 acres of land in the above sections were
patented to Kaiser Steel Corp pursuant to 53 of Private Law 790,
7-8-1952, 66 Stat #129, 130. Patent was fee except for a
non use reverter to the US. The Supreme Coort has called
such titles "limited fee" - see Northern Pacific Railway v.
Townsend, 190 U.S. 267 (1903). In a case involving a similar
patent - limited fee - the SOLICITOR has ruled, M-36964,
91 ID 439, 450, that such reversionary interest in the US
is insufficient to meet the FLPMA definition of
"public lands", 43 USC 1702(e).
The exchange authority, 5,206 of FLPMA 43 USC 1716,
applies only to "public lands". The 465 acres in
the noted sections does not meet the definition
and, therefore, cannot be exchanged.

1

Response to Comment 187-1

As referenced in the Draft EIS/EIR (see, e.g., Section 2.1.1), the land exchange must be made in accordance with the requirements of the Federal Land Policy and Management Act of 1976 (as amended) and implementing regulations. Section 206(c) of FLPMA expressly authorizes the disposal by exchange of public lands or attendant interests (42 USC § 17161(a)). Please see General Response 4.

Re: Proposed Environmental Impact Analysis for Eagle Mountain

Members of the Review Committee,

The purpose of any environmental impact report, is to incorporate environmental amenities into a decision or a decision making process and develop a complete understanding of the possible and probable consequences of a proposed action concerning all aspects of our environment.

Under Chapter 8, paragraph 8.1 of the CEQA Handbook for Air Quality Analysis "Developing lEIR Baseline Information". In part: "Project Description: To the extent that the information is available, the description of the Project, including identification of any unique elements, and the description of the project should be specific as to the total project area, including the amount of development projected for each phase".

Under Chapter 12, page 12-2 of the CEQA Handbook "Consistency with General Plans" - Both CEQA and the California planning zoning and development laws require projects to be consistant with the jurisdictions's General Plan. The EIR should identify if the local government has an air quality element or has incorporated air quality goals and objective into another element of the General Plan.
The plan must be consistant with the AQMP PM10 plan, and be consistant with SCAG, that relate to Air quality: the Growth Management Plan, and the Regional Mobility Plan.

REVIEWING THE EIR

Any formal government agency document prepared at one level usually requires review at higher levels. This is also the case for environmental impact statements (EIS) and environmental impact reports (EIR). Review of these documents are also made by conservation and environmental groups and concern member of the community, especially those who might be affected by the impplementation of the project or action.

Any review of a EIS or EIR, must show, among other things, the Adequacy of the Impact Statements, such as: The impact statement must adquately set forth the environmental impact of the proposed project or action as well as alternatives reasonsably available to the project or action. Note: If a EIS or EIR does not address such issues as alternatives, no rating should be made of the project or action, since a basis does not generally exist on which to make such a determination.

Page 2

A review of the Eagle Mountain Landfill Specification Plan revealed the following concerns:

1. The plan or project does not address what impact the, Kaiser Plan for the Western Pit, when they start operations to Mine that portion of the Eagle Mountain located on the same property and vacienty as the proposed Eagle Mountain Landfill. Nor does the plan addess, what significant effect would the Mining of the Western Pit, will have on the environment, if such operations are performed at the in conjunction as the Eagle Mountain landfill operation.

If it is anticipated by this reviewing committee, Kaiser does in fact, intend to mine the western pit, then such operation justifies a EIR also, and should be incorporated into the Eagle Mountion Landfill project EIR, since both would be placed into operation as part of the overall plan for Eagle Mountain, and each would be using the same transportion methods, and each would together would have a greater impact on the surrounding environment and the 1 know Water Tables in the immediate area, not withstanding the quality of Air and the PM10 standard under the California Air Quality Plan.

I might add that Kaisers intention is to mine the Western Pit, and the revenue from the Eagle Mountain Landfill to fulfill their obligations to those employees of Kaiser that had worked in the Pits and at the Kaiser Fontana Plant prior to Kaiser declaration of Bankruptcy and closure of the site, to make good their retirement funds, which was taken by the Kaiser Corporation, when the bankruptcy occured, and moved their operations to Canada so as not to fulfill their obligations to pay for the clean-up of Kaisers operations in Fontana and Eagle Mountain.

2. Also I want to remind each of you, the rails to Eagle Mountain, has been condemed and would not withstand, not even the Locamotives that will pull the Rail Cars to the proposed site.

2 There fore you are not only asking the people of Riverside County to foot additional sur-charges, but you arew asking the people of Southern California to accept increased santatiion charges on their monthly waste bills, to not only pay for the implemention of the Eagle Mountain landfill, but to pay the cost of over $100 million to

Response to Comment 188-1

Kaiser has stated that it has no intention to continue mining operations in the western pits. Kaiser Ventures Inc. and Kaiser Eagle Mountain have no operations in Canada. Kaiser has been involved in reclamation of the Fontana steel mill site since 1988, including environmental clean up under the direction of Department of Toxics and Substance Control. In October, 1996, Kaiser was awarded the Governor's Award for Environmental Excellence. Present development on the site includes the California Speedway and other commercial businesses.

Response to Comment 188-2

Kaiser's private rail line has not been condemned, but does require maintenance and rehabilitation prior to the site accepting waste by rail. Financing of the rail line work and future maintenance will be paid by Kaiser and MRC. The maintenance and rehabilitation work is done under the approval of permits authorized by the California Department of Fish and Game and the U. S. Army Corps of Engineers. Kaiser has no plans to haul iron ore from the west pits.

Page 3

make 125 mile of rail improvements to the project, that would be used by the Kaiser Corporation for their own Mining Operations.

And you can be sure Kaiser will start operations in the Western Pit, and they will use the rails to Eagle Mountain, since their is no other way they can get their Ore out into the market.

3. I see no clean-up plan should the liner does break, and I see no closure plan. Note: It must be remembered that the cost for waste landfilling by the year 2000 will be 50% higher than it would cost today. (Reference MSW publications for Landfills.)

4. And there is no way that 20,000 tons per day of Solid Waste will be transported to the Eagle Mountain Landfill, even if they included every county in California by the year 2000, because of the technology and the mandate for recycling.

We could go on with other significant issues concerning Eagle Mountain, but those are covered in my pepers concerning Eagle Mountain project, which is now before you.

But I do leave you with this thought, there is a Alternative to Eagle Mountain and landfilling our waste with the off-the-shelf Technology that is avail to us today, and the costs for such alternatives, to the Cities and Counties of Southern California cost less the Tax Payers of California, but would required mush less revenue outlay for the Cities and County of Riverside to startup such a operations. Would reduce liability to the County by 95%, and would meet all the requirementa set forth in the California Integrated Waste Disposal Laws, while meeting the requirements of 50% recycling by the year 2000 set forth in the California Recycling Rules by 100%.

Riverside County and the State of California is presently only recycling 16% of all its waste streams, including Municipal Sludge. This alternative systems would increase this amount to 95% and be fully within 48 months from date construction begins. Eagle Mountain cannot be fully operational in 48 months using the rail transporting method of our waste streams. And the alternative method, would mean that from a five county area, waste would would not be transported more than 75 miles, coming even from the East LA area.

If there should be any questions concerning such an alternative I can be contacted, by calling (909) 785-9241.

Thank you for your time and interest.

Charles G Boyd
Environment Compliance & Development Professional
4790 Jackson Street Box 78
Riverside, California 92503-2096

3

4

5

Response to Comment 188-3

The environmental protection systems (e.g., liner and cover systems, groundwater, vadose zone, and landfill gas monitoring systems) for the Eagle Mountain Landfill are all engineered systems. Many of these environmental systems exceed state and federal regulatory requirements.

Article 5 of Chapter 15 of the California Code of Regulations requires that a potential release scenario (i.e., leak) and mitigation plans be developed and approved prior to Waste Discharge Requirements being adopted by the state. The potential release scenario for the proposed Project is a component of the ROWD. Estimated costs for clean-up, based on the potential release scenario, are developed. The owner/operator of the facility, in this case MRC, is required to provide an approved financial assurance mechanism so that the funds necessary for clean-up are available.

Response to Comment 188-4

Comment acknowledged. The commenter is referred to Section 1.3.1 of the Draft EIS/EIR which contains a detailed discussion regarding the long-term disposal needs of the Southern California region, including consideration of the effects of mandated waste diversion. Please see General Responses 1 and 2.

Response to Comment 188-5

Because the comment does not specify the technology to which it is referring, it is difficult to respond to the comment. The Draft EIS/EIR does, however, discuss alternative approaches to landfill development, including waste diversion approaches such as recycling, composting, and landfill mining. These technologies are discussed in Section 2.8.2 and 2.8.4. Also see Responses to Comments 20-47.

COMMENT LETTER 189

BLM Planners

FOR IMMEDIATE RELEASE

RECEIVED
SEP 04 1996
RIVERSIDE COU
PLNG DEP

BY: Charles G. Boyd _ REA
Owner & President of
C.G.Boyd & Associates, Inc. a California Corporation
Professional Environmental Compliance
& Waste Management Developers
4790 Jackson Street Box 78
Riverside, California 92503-2096
(909) 785-9241 - Messages (909) 656-0210

cc: Los Angeles County Supervisor
San Diego County Supervisors
Riverside County Supervisors
Riverside Council Members
Los Angeles Times, Los Angeles, California
KCBS- Los Angeles, California
Press-Enterprise - Riverside, California
Inland Business Journel

Re: Eagle Mountain - Another Landfill - Why?

For 32 years as a environmental professional, I have stood by as agreement after agreement by those who have the responsibility to protect our environment and the general health of Southern Californians, Pass rules and regulations that effect, our health and our environment. While they advocate the need for "0" Air Pollution and Clean Drinking Water, and talk how industry pollutes both the air and our underground water tables. But, continue to pass sidebar legislation that have a negative effect on our environment and our health, and fail to meet the guidelines of our Waste Management and Air Pollution regulations. And in all cases, destroy our valuable water tables we rely on for our drinking water.

Three weeks ago, I attended a meeting on a old proposal to build another landfill over 2 million acre feet, of good drinking water. Eagle Mountain, where Kaiser Steel once mined, but quickly declared bankrupsey and moved out out of Southern California, so that they would not have to clean up their mess, and the pollution they left behind.

Page 2 - Eagle Mountain

Along with the retirement funds of their employees.

Look at the Eagle Mountain Landfill Plan and what its not saying, but has been approved by our Southern California Air Quality Management District, by California Air Quality Management Board, and by the Association of Southern California Cities, their Council Members and their County Supervisors:

1. Kaiser Steel needs this site to be approved. Why, because once it is approved, they have a new free rail access that they can connect onto, when they start mining the Western
1 pit, which they will still own, even when all agreements are signed transfering the railroad and the Eastern Pit over to the new owners. And remember, Kaiser when they are ready, the cannot be denied access rights to the new renovated Rail system and roads.

2. The cost to make the Eagle Mountain Landfill available, and incompliance with State requirements, along with the renovation of the 125 miles of rail access to the Landfill and Kaiser
2 property, will be footed with a $200 million loan from the State, thru Tax Fee Bonds. (I wish it was that easy for me to get a loan from California, I could create 1200 to 2000 new jobs) and without polluting the Air or any Ground Drinking Water.

a 3. Its not only Kaisers desire this landfill is built, its also the desire of every County, City in Southern California, which will beneifit when this Landfill is approved, first having an
3 an excuse for not complying with the year 2000 recycling rule,
b second, they receive $10 on every ton disposed of in Eagle Mountain to divide amoung themselves, and three they would be
c able to request extension on landfill closure dates, now set,

Response to Comment 189-1

Kaiser has no plans to mine the west pits.

Response to Comment 189-2

See Response to Comment 20-52.

Response to Comment 189-3

(a) Approval of the proposed Project will have no effect upon existing statutory mandates that require southern California cities and counties to implement and maintain waste diversion and recycling programs.

(b) There are no provisions for monetary reimbursement of municipalities and counties that utilize the proposed Project for waste disposal.

(c) Activation of the proposed Project will augment other local and regional waste disposal efforts, which may include physical expansions to or extended operating time periods for existing landfills, by providing additional needed long-term disposal capacity.

Page 3 - Eagle Mountain

and approved Water Pollution and Recycling Regulations. And no
d only an excuse to raise sanitation fee's and sur-charges on your
waste disposal bill, but give local and state government regulators
more control over how you can dispose of your waste with no
options to the consumer, so that he can save on the cost of
doing so. And if it does protect our water and envisonment.

e 4. Under the Eagle Mountain concept and plan, if it should
be approved, those who use the landfill, and those who pay to
have their garbage disposed of at Eagle Mountain, and pay for the
175 miles of transportation to get it there, will pay the backpay
due Kaiser exemployees left behind, when Kaiser ran to Canada with
their retirement funds, and now expect us to pay to rebuild there.

Under EIR (Environmental Impact Report) and EIS (Environ-
mental Impact Statements), rules and directives, states; "
"Project Description information must include the description
of the Project and identify any unique elements associated
with the project, and the total description and all elements
associated with the project area must be included, including
the amount of development projected during each phase of the
4 said project" The Plan must; "Consistant with the General
Plan, both CEQA and the California planning zoning and
development laws, and should identify if the local government
has an air quality element or has incorporated air quality goals
and objective into another element of the General Plan. And
must meet the requirements ofthe Air Quality Management Plan
PM 10 and be consistant with the Southern California Associatéon
of Governments plan that relate to Air Quality, Growth and the

(d) Comment acknowledged.

(e) Comment acknowledged.

Response to Comment 189-4

The EIS/EIR complies fully with the requirements of CEQA and NEPA by providing a complete Project Description (2.0) and a thorough discussion and analysis of land use planning element consistency (Sections 3.5 and 4.5).

Page 4 - Eagle Mountain

Regional Mobility Plan. It does not meet any of the requirements for approval of such EIR's since the site sets within the local jurdiction of those communities near Eagle Mountain, and not within any other major Government source other than Riverside County, which does have the power to override the disapproval of the local community.

I also must remind everyone, that among other things, all EiR's and EIS's must set forth all alternatives resonsably available to the project or action. And, if any EIR or EIS does not address such issues as alternatives, no rating should 5 be made of the project in question, or any action should be taken, since the basis does not exist on which any government agency can make a sound determination as to its need or its effect on the environment and the General Health of the People, in an around the vicienty of the project.

Therefore, if there is any reason, to believe that Kaiser, would have access to Eagle Mountain Railroad, the road to Eagle mountain, or does intend to restart mining operation in the Eagle Mountain Western Pit adjustant to the Eastern Pit, then action on the part of the County Board of Supervisors and 6 the California Wastee Management Board, to require that an EIR be conducted to show what impact it would have on the environment and the General Wefare of the local community, if and when such operations are operating at the same time.

If you read the responses to all the public meetings that were held on Eagle Mountain three years ago, and the responses concerning Eagle Mountain Hearing just a month ago, you would soon realize, as all voters realized, the Eagle mountain landfill is not wanted, and is not needed to solve our wastee problems.

Response to Comment 189-5

Please refer to Sections 2.2 through 2.8 of the Draft EIS/EIR, which fully discuss alternatives to the proposed Project. Please see General Response 2.

Response to Comment 189-6

Comments acknowledged. See General Responses 2 and 4.

If the concerns of those living in the area do not interest, those in the government or the media as being news veatherty, then maybe this will; Over the last thirty years various City, County and State legislation, created landfills to solve their garbage and trash problem. In doing so, did not regulated for years, household and some industrial hazardous waste, resulting in and contributing along with household waste, the contamination of over 15,000 underground wells and other ground water supplies, in Orange, Los Angeles, San Bernardino and Riverside Counties.

And, I do leave you with just one more thought. We have passed legislation along with 55 other nations of the world, to elimate any need for Landfills. We have outlined in California Environmental Rules and regulations, how to recycle, what to recycle and how much has to be recycled by the year 2000.

However, those in responsible agencies for Solid Waste Management still seem intent on spending millions in tax dollars to support landfills knowing there is available off-the-shelf technology, that would eliminate any need what-so-ever for landfills, clean up our environments, save our natural resources (whats left), and create a new industry that could replace most of the high tech jobs lost through the closure of our Defense Bases and those large employers that have left the state. Twice as many jobs would be created through Intergrated systems than that which would be created by Landfilling.

And just think, maybe down the road, we just may have good drinking water again in Southern California.

C. Boyd

COMMENT LETTER 190

FOR IMMEDIATE RELEASE

By: Charles G. Boyd - REA
Professional Environmental Compliance & Developer
4790 Jackson Street, Box 78
Riverside, California 92503-2096
(909) 785-9241 - 656-0210

EAGLE MOUNTAIN LANDFILL
AGAIN

It's ironic this issue has been presented to our County Supervisors again for reconsideration, that once proved to not only a bad idea, but costly to implement and place into operation. But, most important, a desastor environmentally, and would benefit a few special interest groups and corporations.

Yet, this one issue seems to keep poping up, in the hopes that the voters of Riverside County would soon tire of it, and let it pass.

THE REAL ISSUES HIDDEN IN THE EAGLE MOUNTAIN PROPOSALS:

1. Kaiser Steel, still own's the Eagle Mountain Facility, including the Eastern and Western Pits. Thus has leased the property to interested Waste Management Corporations, interested in turning it into a Landfill at the expense 1 of the people of Riverside County, while Kaiser gets the rail access to their Western Pits built for free, and under a private agreement would be allowed to use the new rail access and mine the Western Pit.

Plus Kaiser would no longer be required to clean up the the Hazardous mess, they created in the Eastern Pit, since those who leased the property from Kaiser has agreed to cover up the 2 contamination with a liner over the bottom of the Eastern Pit, also at no cost to Kaiser.

Response to Comment 190-1

Kaiser has stated it has no plans to mine the west pits.

Response to Comment 190-2

Please refer to the Responses to Comments 195-3, 28-23, and 28-28. Section 3.2.2 of the Draft EIS/EIR discusses in detail the history and results of the various investigations and analyses that have been conducted at the Project site pertaining to the potential presence of hazardous wastes/materials, including the BLM Level I Contaminant Survey, the DTSC Complaint Inspection and Sampling Report, and the EPA Region IX Preliminary Assessment. See Appendix P.

2. The cost to renovate the old rail site into Eagle Mountain, would cost in the excess of $124 million, and the County of Riverside would be responsible for much of that cost. Presently all the 3 rail access, and the bridges it crosses, have all been condimed, since they would no longer support the weight of 600 rail cars per day.

3. To place a Liner over the floor of the Eastern Pit, would cost in the excess of $400 thousand per acre, and this does not 4 include the dam that would be necessary to prevent the water from the natural spring a the bottom of the Easter Pit to over flow into the farm lands below, when it rains and fills the liner.

4. Remember it was Kaiser Steel who ran away from their responsibility to clean up the Hazardous Contamination they created at the Kaiser facility in Fontana and Eagle Mountain 20 years ago, declared Bankrupsey, and then ran to Canada to wait out the Statue of Liminations to return. In the mean time, the Tax payers payed the tab to clean up both.

5. Remember it was Kaiser that ran with the Retirement funds of their employees, and now needs the funds they would generate from the Eastern Eagle Mountain Landfill to pay those overdue retirement funds they owe their now layed off employees. By the most of those employees the owe are now dead.

6. If this issue is passed, it would become a large part of Riverside County's responsibility, to increase Santitation Bills, 5 in crease sur-charges on Utility Bills for Air Polution. Obtain Tax Free Bonds, add more personnel to their Waste Management Department, and foot most of the cost associated with a landfill.

Response to Comment 190-3

See Response to Comment 188-2.

Response to Comment 190-4

According to MRC, cost estimates to construct the liner for the East Pit range from $200,000 to $300,000 per acre. There are no natural springs in the bottom of the East Pit. Prior to constructing the liner, the bottom of the East Pit will be filled with approximately 125 feet of compacted engineered fill material. No dam is proposed or required. For Response to Comments concerning Kaiser's financial status, see Response 20-52.

Response to Comment 190-5

The County presently operates approximately 12 landfills in the County (all of which are have varying disposal capacities), and the County charges a set fee to users of the landfills for disposal. The Eagle Mountain Landfill is a private project and users of the site will pay a tipping fee to the project developer. When the County previously approved the project in 1992, they approved a Development Agreement that specified that out-of-county users would pay a surcharge.

7. It was proven in the Environmental Impact Report and admitted to by those in the Environmental Departments of Riverside County and of Los Angeles County, that such a large operation 6 proposed for Eagle Mountain (20,000 tons per day of Solid Waste), along the mining of ore from the Wester Pit by Kaiser, would have an adverse effect on the Wild life in the area.

8. The projected 1000 trucks per day over Interstate 10, passing thru Indio, Palm Destert and Palm Springs area, the Baumont and Banning area, would by Air Quality own reports would have an 7 adverse effect on the Air Quality in that region. This does not include the particilate pollution that would be increased as a result of the Landfill operations.

9. In the previous projections and proposals for Eagle Mountain to be able to foot the cost for such a large operation. Eagle Mountain would need 20,000 tons per day of waste. But how can 8 this be since San Diego County has now pulled out of the original deal made by the five county area and with recycling of our waste must be incresed to 50% of the waste streams generated by the year 2000.

10. Also when you review the Financial Performs, it becomes ovious that their would a need to increase the cost to the average household in Southern California and Riverside/San Bernardino Counties, 9 by 50% to offset the cost of Start-up, and the long distances which waste has to be transported. And don't forget the average business would have to be increase by as much as 100%.

Response to Comment 190-6

The County of Riverside (not Los Angeles County as noted in the Comment) was directed by the San Diego County Superior Court to prepare a new EIS/EIR to address specific deficiencies of the previous EIS/EIR. In reference to wildlife, the court directed the new EIS/EIR to analyze fully in a manner supported by substantial evidence any impacts of the proposed landfill project on the desert tortoise, including the effectiveness of any proposed mitigation measure. This analysis is discusses in Section 4.7, Biological Resources. The efficacy of tortoise mitigation measures is summarized on page 4.7-31 of the Draft EIS/EIR. Please see General Responses 3 and 6.

Response to Comment 190-7

Comment acknowledged. Please see General Response 7.

Response to Comment 190-8

Section 1.3.1.2, Disposal Capacity Requirements, describes the disposal capacity needs within the seven-county region. It is noted that a shortage in overall disposal capacity could occur between the year 2000 and 2005. These calculations of waste disposal capacity needs assumed that all counties would divert at least 50 percent of their waste by the year 2000. This shortage could exceed 20,000 tons per day prior to the year 2010. This shortage of over 20,000 tons per day would not change even if the disposal needs of the County of San Diego were not included. It is further noted that some of the needed disposal capacity could result from repermitting and expanding the capacity of existing landfills. For the majority of the landfills, this will expand their life by 10 or fewer years. Even if all proposed repermitting or expansions of existing landfills were approved, which is unlikely, there still will be a shortage in the seven-county region in disposal capacity of over 20,000 tpd by the year 2020. Please see also General Response 1.

Response to Comment 190-9

See Response to Comment 190-5.

AN ALTERNATIVE to all this - very simple. A concept was submitted to the County Supervisors and the Waste Management (Mr Nelson) in 1990, that would make it possible for the Counties to Recycle 100% of all waste streams, including Garbage, Solid Waste, Contaminated Water and Sludge, without any increase in cost to the tax payer or the consumer of both Counties. Such a Intergrated Solid/Sludge/Water Waste, Recycling to Reuse facility would be capable of handling all the waste within Inland Empire, for less cost than what it would cost, just to prepare Eagle Mountain to comply with Sub-Part "D" amd renovate the rail access into the Site.

10 Such a facility could recoup the use of now closed large manufacturing plants and Air Bases, and recoup over 1500 top paying positions lost with the closure of such facilities within the Inland Empire area.

A full intergrated Solid Waste and Sludge recycling to reuse facility would have the ability to handle all the available waste streams in the area and recycle all such waste into resaleable items, and also would give each county full capability to mine those landfills now in use and closed, thus cleaning them up, without the high cost associated with such clean ups. And give our wells and gound water tables and chance to clean up themselves also. without any added cost, or having to interfer with normal disposal and recycling operations assoiated with a recycling to reuse plant for MSW and Sludge.

Response to Comment 190-10

It is unclear from the comment what such an integrated system would entail. The commenter is referred to Section 2.8 of the EIS/EIR which discusses recycling technologies as alternatives considered but rejected. Also, please see General Responses 1 and 2.

Such a operation would eliminate long hauling of waste to landfills, it would elimate the need for landfills completely, and eliminate any need to haul our Municipal Sludges to specially designed landfills to accept such waste, but most important, such a facility would eliminate any need for ocean dumping. Such systems have been used in Europe and Japan for years, and the beneifits go to the people not governments.

But, most important it just could, eliminate the high cost now associated with the added recycling and landfill charges on your present Sanditation bill. And give us back some of the good jobs lost in Southern California, with the closures of Industry and Defense facilities.

What the hick, if you take Eagle Mountain, you will be adding a cost to you disposal bills for years to come, at a cost of approx $300 million with 30 years to pay off the tab. If you take the Integrated concept submitted to Riverside, in 1990, you just may build such a facility for half, with a complete pay off in 10 years. Your Choice. DO YOU REALLY NEED ANOTHER EAGLE MOUNTAIN AMD A LANDFILL.? TO ADD TO CONTAMINATION THAT HAS ALREADY BEEN DONE TO OUR WATER TABLES AND THE AIR, AND DO WE REALLY NEED ANOTHER GOVERNMENT CONTROL OPERATION THAT WOULD ONLY ADD TO THE COST THE PEOPLE IS ALREADY PAYING FOR THEIR TRASH AND GOVERNMENT.

COMMENT LETTER 191

To: Riverside County
Planning Dept.
4080 Lemon St., 9th floor
Riverside, CA 92501

RECEIVED
SEP 03 1996
RIVERSIDE COUNTY
PLANNING DEPT.

Laura Brands
2658 Snyder Ct.
Walnut Creek, CA 94598

Aug. 28, 1996

To whom it should concern:

My friend Andie spent three weeks in Riverside with her grandmother this summer. She told our family about Riverside's lack of curb recycling program, and its air problems. Everything in her grandma's trash goes to the landfills, except for the aluminum she drives across town.

Coincidentally, I'm presently reading a "Sites at Risk" article in "National Geographic Traveler." This article speaks of a proposed landfill for an area 1.5 miles from Joshua Tree National Park.

An enormous landfill for all your trash does not appear to be a sensible, economical, or ecological solution to your county's overflow of trash. Recycling, however would benefit the earth, and its inhabitants (economically and environmentally.)

My county (Contra Costa) has cleaned up its act. We have separate trash bins for yard waste, recyclables, and non-recyclables. Please do your part, as our county has, to limit the trash burden we place on ourselves and our children. Recycle!

Thankyou for your time.

Sincerely,
Laura L. Brands

1

Response to Comment 191-1

See Response to Comment 190-10.

COMMENT LETTER 192

T-176 Westridge Drive
Phoenixville, PA 19460-3382
(610) 983-0640

September 16th, 1996

Bureau of Land Management
ATTN: Eagle Mountain
6221 Box Springs Blvd.
Riverside, CA 92507

Dear Sir/Madam:

I am writing to express my concern over the proposed landfill at Eagle Mountain adjacent to the Joshua Tree National Monument. Please do not proceed with this plan to dump 20,000 tons of garbage daily for 117 years so close to such a precious natural resource! The southeast corner of Joshua Tree Monument will surround the landfill on three sides. This plan will surely have a detrimental effect on the ecological system of Yosemite National Park, especially the Joshua Tree Monument.

My family and friends have traveled 3,000 miles to enjoy Joshua Tree Monument and have plans to return repeatedly in the future. Please don't ruin this beautiful area by utilizing the Eagle Mountain site as a landfill for garbage!!

Sincerely,

Colleen Brenan

Colleen Brenan

Response to Comment 192-1

Comment acknowledged. See General Responses 3 and 6.

COMMENT LETTER 193

Julia Dougan, Area Manager
Palm Springs-South Coast Resource Area, BLM
6221 Box Springs Blvd.
Riverside, CA 92507
(619) 251-4899

RECEIVED
BUREAU OF LAND MANAGEMENT
95 OCT -3 PM 3:15
PALM SPRINGS
RESOURCE AREA

Date: 9/19/96

Subject: Comments on the Eagle Mountain Landfill Draft EIS/EIR

Dear Julia Dougan,

1 I am writing to inform you of my complete and total opposition to the proposed Eagle Mountain landfill based on serious adverse impacts to Joshua Tree National Park, which surrounds the proposed site on greater than three sides. The closest National Park boundary is 1.5 miles north. Impacts I am most concerned with are listed below. I am aware there are at least three alternative landfill sites which would not impact Joshua Tree NP, and would thus be better locations for a proposed dump of this magnitude. I urge you to protect Joshua Tree NP. Please do everything you can to stop the dump from being permitted.

2 Joshua Tree NP represents the largest in tact ecosystem in the Mojave desert. It has enjoyed National Park Service protection since 1936 and over 80% of the park is federally mandated wilderness. I believe 12 trains hauling 20,000 tons of garbage, from Los Angeles and surrounding counties, every day for over 80 years, will have significant long term and disperse ecological impacts within Joshua Tree NP. The trains will run parallel to the southern park boundary along Interstate 10 and then turn northwest into Eagle Mountain Mine, at Desert Center, near the eastern edge of the Park. Garbage will be dumped into open pits, created from iron ore mining, located 1.5 miles south of the Park's wilderness boundary.

Specific **Wildlife** concerns include:
1) Increased predation of desert tortoise within the park caused by increases in raven populations attracted to the new food source created by the landfill.

2) Desert tortoise killed by trains and truck traffic entering the dump site.

3) Disturbance to bighorn sheep and other resident animal populations caused by noise, lights, odors, trains, and most importantly, ground water draw down, which may effect the level of natural springs that wildlife depend on for water.

3 There are many Wilderness Resources and Wilderness values impacts related to the landfill. Wilderness resources include all biological and physical aspects such as plants, animals, water, and air. Wilderness values include, visual quality and night sky clarity (related to air quality), recreational and spiritual experiences, and peace and quiet necessary for a feeling of solitude (related to evidence of man caused impacts).

4 Specific **Wilderness** concerns include:
1) Wind blown trash within the wilderness boundary. Trash inside the wilderness is very likely due to high winds which frequent the area and because Joshua Tree NP surrounds the proposed landfill on greater than three sides. Wind blown trash mitigations proposed in the

Response to Comment 193-1

Comment acknowledged.

Response to Comment 193-2

Please see Section 4.7 of the EIS/EIR, General Response 6 and Response to Comment 28-109.

Response to Comment 193-3

The comment is correct that wilderness values include visual quality and night sky clarity, recreational and spiritual experiences, and peace/quiet/ solitude. This comment concurs with the discussion of wilderness in the EIS/EIR. The commenter is referred to EIS/EIR Sections 3.11 and 4.11, where these issues and potential impacts are discussed in detail.

Response to Comment 193-4

The mitigation measures proposed to alleviate the potential for windblown trash to adversely affect wilderness areas in the vicinity of the Project are reasonable, adequate, and achievable. The comment is incorrect in the statement that the Project includes using helicopters to retrieve windblown debris. Helicopter flights over wilderness areas are not proposed as a mitigation measure for the Project. Neither the Draft nor the Final EIS/EIR contains such a provision. Please see General Response 3.

Draft EIS/EIR are unreasonable and include helicopter flights over wilderness to pinpoint trash. This intrusive measure is incongruent with the definition of Wilderness which does not allow motorized vehicles within its boundaries and protects against the impacts of man.

5 2) Air quality impacts are reported in the document to be significant in the Southeast Desert Air Basin where the open pits are located. Visibility modeling reported in the document discloses several exceedances of visibility significance thresholds defined by the National Park Service and supported by the Environmental Protection Agency. These visibility impacts will be seen from visitors within Joshua Tree wilderness boundaries. Over several years 8 smoke stacks will be phased in to collect methane gas generated from landfill decomposition. The methane will be flared and emissions of visible air pollutants will result. The eight smoke stacks and their plumes will be visible from within the wilderness.

6 3) Night sky darkness is a Wilderness value which is becoming more and more scarce in this country. Illumination of nighttime activities at the proposed landfill will impact the wilderness night sky experience.

7 4) Odor is a common part of every landfill. My wilderness experience would be ruined if I were to be subjected to the smells of putrid decaying garbage.

This concludes my letter in opposition to the proposed Eagle Mountain landfill. I will be shocked if the BLM allows such an obviously bad land management decision to be made. I compel you to remember your ecosystems management approach for making land planning decisions based on long term ecological effects, and choose the No Action alternative for this proposal. The ecosystem in and around Joshua Tree NP will be forever altered if this dump is allowed.

Sincerely,

Joel O Despain
HCR 84-Box 211
Three Rivers, CA 93271

cc:
Honorable Diane Feinstein
United States Senate
Washington, DC 20510-0504

Honorable Barbara Boxer
House of Representatives
Washington, DC 20515

Secretary Bruce Babbitt
U.S. Department of the Interior
Interior Bldg.
1849 C Street NW
Washington, DC 20240

Director Roger Kennedy
National Park Service
P.O. Box 37127
Washington, DC 20013-7127

Diane Ewell
P.O. Box 772
Three Rivers CA
93271

Jill Tall
374 W. 4th St
Eugene Or
97401

Arndt Peterson
P.O. Box 804
Inverness, CA
94937

Steven M. Bumgardner
P.O. Box 282, Lodgepole
Sequoia Nat'l Park, CA 93262

Linda Mutch
HCR 84-Box 3
Three Rivers, CA
93271

J. Ill Oertley
HCR 89 Box 42
Three Rivers, CA 93271

Dorm M. Meisby
HCR 84-Box 109
Three Rivers, CA. 93271

Austin C Cyprus
41894 N. Fork
Three Rivers, CA
93271

Response to Comment 193-5

Comment acknowledged. Please see General Response 7.

Response to Comment 193-6

Comment acknowledged. Please see General Response 3 and Appendix W.

Response to Comment 193-7

Comment acknowledged. The commenter is referred to Section 4.4.2 of the Draft EIS/EIR that discusses potential odor impacts, and to Section 4.11.3, which addresses impacts to wilderness. Also see Appendix T.

COMMENT LETTER 194

RECEIVED
BUREAU OF LAND MANAGEMENT
97 AUG 16 PM 2:31
RIVERSIDE, CA

August 14, 1996
7117 Sunnyhill rd.
Joshua Tree CA 92252
(619) 366-3234

atn: Julia Dougan
Area Manager
Palm Springs-South Coast Resource Area

Re: Eagle Mountain Landfill and Recycling Center Project

Thank you for the superbly done and informative copy of the Draft Environmental Impact Statement/Environmental Report for the Eagle Mountain Landfill and Recycling Project dated July 1996.

a
1
b As I live in Joshua Tree bordering the Joshua Tree National Park (JTNP) and have attended many hearings for the BOLO/RAIL CYCLE Project that would also impact the JTNP, I was very concerned about the negative aspects on future growth and quality of life here in the desert as well as the anticipated 4 million visitors to the Park from all parts of the world that will affect our local economy.

2 There are many varied ecosystems in and surrounding the JTNP that are impacted by any major changes in the area that cannot be completely mitigated nor can the proposed site be labeled solely as an "arid" area.

3 SECTION 3 Fig. 3.10-18 Colorado River Aqueduct proximity to JTNP proposed site could be a major source of accidental contamination of Coachella Valley water supply by on-site operation.

4 SECTION 4.1-0 ".Little or no leachate will be produced because the climate is arid - moisture content will be approximately 21%". My observation of landfill rail cars currently in operation after MRF handling appears to have very high degree of moisture content. While evaporation occurs only at upper area of deposited load in landfill, leachate is only minimally affected even in "arid" areas.

Response to Comment 194-1

(a) According to the EIS/EIR prepared for the Rail Cycle/Bolo Station Landfill, no impacts to JTNP have been identified.

(b) Section 5.4.1 addresses cumulative impacts of JTNP visitor increases. See also General Response 6 concerning ecosystem impacts.

Response to Comment 194-2

Please see General Response 6. The proposed Project is situated in a region that receives an average rainfall of less than 4 inches per year and is dominated by drought tolerant or otherwise desert adapted plants and animals. These attributes are sufficient to justify reference to the Project area as arid.

Response to Comment 194-3

See Response to Comment 10-4.

Response to Comment 194-4

The expected moisture content of the waste landfilled at the proposed landfill is based on a thorough analysis of the moisture content of typical municipal solid waste as presented in Appendix C-5. The arid climate at the Project site will facilitate further drying of the waste during transfer and placement in the landfill (see page 18 of Appendix C-5). The potential for leachate production is reduced in arid environments.

SECTION 6. 2.1 Groundwater Quality

a . Leachate release
. Groundwater quality degradation as a result of significant
5 groundwater depletion
. Groundwater quality degradation of the Colorado River and groundwater in the Coachella Valley

(page 1 of 2)

b Although heroic mitigating measures are proposed to collect and control leachate and resultant gases that result, it does not appear cost-effective to expend so much labor-intensive effort to a project that is still basically an old-fashioned landfill dump that will continue to expand and pollute (ex: New Jersey landfills).

SECTION 2 2.0 Alternates (2) Reduced volume of waste disposal

This makes the most sense of all!
It is inconceivable that other cities have far superior and ecologically safer methods of up-to-date trash incineration with filters to curb air pollution.

6 Rail cars and trucks from MRFs and TSs could very easily travel to Incineration Stations in the desert using the new state-of-the art technology available for heat generation.

The resultant dry ash could then be transported to Eagle Mountain Landfill and make all other landfills obsolete!

What a golden opportunity for the State of California!

Sincerely,

Rita S. Burrill

Rita S. Burrill

Response to Comment 194-5

(a) See Response to Comment 17-54 and General Response 5.

(b) See Response to Comment 17-54 and General Response 5.

Response to Comment 194-6

Comment acknowledged.

COMMENT LETTER 195

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SEP 17 1996
RIVERSIDE COU

SEPTEMBER 17, 1996

MS. JOAN OXENDINE
CALIFORNIA DESERT DISTRICT
6221 BOX SPRINGS BLVD
RIVERSIDE CA 92507

LARRY & DONNA CHARPIED
PO BOX 321
DESERT CENTER CA
92239

MR. DAVID MARES ✓
COUNTY OF RIVERSIDE
4080 LEMON ST, 9TH FLOOR
RIVERSIDE CA 92501

RE: COMMENTS TO DRAFT ENVIRONMENTAL IMPACT STATEMENT/ DRAFT ENVIRONMENTAL IMPACT REPORT PROPOSED EAGLE MOUNTAIN DUMP

Dear Joan and David,

It is beyond our comprehension that even after the Interior Board of Land Appeals, (IBLA), remanded the EIS and the BLM's Record of Decision, back to BLM to address the issues brought up in the appeals against the land exchange and right of way grants, and the Superior Court of California kicking the previous EIR out due to inadequacy, that the very same County and BLM continue to ignore concerns from the public as well as public agencies. 1

Undoubtedly, the dump's applicants and their EIS/EIR consultant will whine about the extensive packet of information that we are supplying to you, with a request, that after all of these years, ***TO PLEASE ADDRESS THEM THIS TIME!*** MRC and Kaiser continue to exclaim in the newspapers and in inner office communications, that the issues that are being raised are the "same old issues" heard from the past 4 years. Perhaps if these issues were addressed four years ago, the comments being received would not be so extensive. 2a

On ~~July~~ June 7, 1995 we attended a "private scoping session" with the BLM, County of Riverside, and the EIS/EIR consultants, CH2M Hill. At that time, we not only recorded the session, with knowledge and approval from all in attendance, we submitted an extensive package of information, with a cover letter of explanation/comments. Since the vast majority of this information was left out of the DEIS/EIR, we resubmit the ~~July~~ June 7, 1995 letter, along with the following documentation:

- Addendum Report submitted by the Department of Toxic Substance Control, (DTSC)

Response to Comment 195-1

The public comments received from this commenter, as well as from all other public and agency commenters, are presented and addressed in this Response to Comments section of the Final EIS/EIR.

Response to Comment 195-2

(a) The information submitted by the commenters at the June 7, 1995 meeting was reviewed and considered in preparation of the Draft EIS/EIR. The information submitted by the commenter is part of the record on file at the County of Riverside.

(b) Please see Response 195-3, and Section 3.2.2 of the Draft EIS/EIR, which discusses in detail the history and results of the various investigations and analyses that have been conducted at the Project site pertaining to the potential presence of hazardous wastes/materials, including the BLM Level I Contaminant Survey, the DTSC Complaint Inspection and Sampling Report, and the EPA Region IX Preliminary Assessment.

With regard to the April 7, 1994, DTSC Complaint Inspection and Sampling Report, as well as the May 20, 1994 Addendum to this report, both are discussed and cited as references in Section 3.2.2.2 of the Draft EIS/EIR. As noted on page 1 of the May 20, 1994 DTSC Addendum and quoted in Section 3.2.2.2 of the Draft EIS/EIR, "... there was no evidence found to support the allegations that hazardous materials were illegally disposed. The site does not currently threaten the environment." Also see Appendix P.

As part of the public record, the cited April 19, 1994, correspondence to the Riverside County Board of Supervisors, as well as the attachments to this correspondence, are hereby included as part of the Administrative Record of this EIS/EIR.

We enclose with the DTSC Addendum, dated May 20, 1994, a copy of a letter presented to the Riverside County Board of Supervisors, dated April 19, 1994. This letter clearly outlines the remaining issues involving the State's investigation of hazardous materials, at the site. Further, the Court ordered that all subsequent investigations involving, and after the Level I Contaminant Survey, be included in the new EIS/EIR. The DEIS/EIR merely glosses over this issue, and answers none of the questions that have been repeatedly asked and ignored, as written in the April 19, 1994 letter to the Board of Supervisors. b

- ATTACHED TO LETTER:
  1. Letter dated April 18, 1994 to Ms. Sharon Fair, DTSC; RE: points of clarification to Site Investigation Report.
  2. Drainage map, depicting Eagle Creek, where toluene was found.
  3. Lab analysis of fine tailings from the last EIR - In light of DTSC inspection, there needs to be testing of all fine tailings ponds, to the depth that the materials would be extracted for use as part of the dump's liner system. (We will provide further information to support our request for further clay tailings analysis below).
  4. Analysis of clay in slurry pond proposed to be used for the dump's liner system. These samples were obtained and submitted by DTSC, for the Charpied's and Desert Protection Society. The DTSC maintained the chain of custody, and delivered the samples obtained during the site investigation to E.S. Babcock & Sons lab, in Riverside.
  5. ATSDR (Agency for Toxic Substances and Disease Registry) Toxicity Profile.
  6. Soil analysis of the scrap/staging area at the defunct mine.
  7. Soil analysis of Eagle Creek.

- April 20, 1994 letter from Mr. Stephen Lester, Science Director for Citizens Clearinghouse for Hazardous Waste.

The Citizens For the Chuckwalla Valley, and the Desert Protection Society requested Mr. Lester to review the soil samples obtained during the site investigation. Mr. Lester offers many suggestions, such as the necessity for further testing of the clay material proposed to be used as part of the dump's ground water protection system. We believe that further testing is warranted, and request that the questions Mr. Lester brought up in his letter be addressed, including but not limited to the potential of groundwater contamination from the heavy metals in the clay tailings, to the hazards involving breathing air borne heavy metals in dust from the clay tailings. When the testing of the clay ponds happens, the Charpied's request independent samples to be sent to an independent lab, specified by the Charpied's. 3

Response to Comment 195-3

The letter in question is a review of the analytical results of soil samples taken from clay tailings piles on the Project site as reported in the April 7, 1994, DTSC Complaint Inspection and Sampling Report referenced in Comment 195-2. Referring to the DTSC analysis, the CCHW letter states, "Overall, the results of this testing indicate that the levels of detected metals generally fall below levels that would trigger regulatory action." The remainder of the CCHW letter offers the following: (1) generalized comments regarding "typical" or "normal" levels or concentrations of "select metals" in soils; (2) observations regarding the viability/suitability of the use of these clay soils as landfill liner material; and (3) general statements of "concern" regarding the potential for human exposures to dust-borne heavy metals and the reported presence volatile organic constituents in two samples.

No response to the CCHW letter is required for the following reasons:

1. The comments contained in the April 20, 1994 CCHW letter are not specifically focused on the Eagle Mountain Landfill Project as presently proposed.

2. The issues raised in this letter were adequately addressed in the May 20, 1994 DTSC Addendum, which concluded, in part that "...all these constituent levels were well below health risk based clean-up levels established by U.S. EPA, and did not therefore warrant further investigation."

3. As noted in Section 2.1.5.1 of the Draft EIS/EIR, the proposed Project would not solely utilize clay as a liner material, but rather would employ a multilayered composite liner system, incorporating a high-density polyethylene (HDPE) geomembrane plastic liner, textured on both sides, which is overlain by granular leachate collection and removal system and underlain by a low-permeability soil liner.

4. The fine tailings were also extensively tested in the laboratory using leachate as a permeant. The results indicate the material to be suitable for use as a liner (please refer to the ROWD—See Response to Comment 36-2).

- January 6, 1994 Second Status on MRC Site Evaluation to the Riverside County Board of Supervisors, from Kenneth Cohen and John Fanning

This report discusses some of the clean up activity at the mine site, prior to the DTSC investigation. The letter states, in part, "...As previously determined through prior surveys, known hazardous materials are being removed and stored and/or disposed of under proper manifest...". The report also states, in part, "...In the event of any findings which may indicate the need for further assessment and/or remedial cleanup action, directive(s) will be issued by the County ordering these actions to be completed by Kaiser Mine ..." 4

Please refer to the DTSC Addendum - It states, in part, "...However, additional clean-up of the demolition area (which includes the Metallurgical Laboratory, Beneficiation Plant, and the Fine Crusher Area), the Main Shop Fueling Area, and Open Burn Pits, will be done by July 1995..."

Have all of the above described areas been cleaned ? We have copies of the manifests that accompanied materials taken from the slit trenches that the Cohen/Fanning report discuss. However, as evidenced by the DTSC Addendum, there were still some clean-up activities left. Please make public, in the FEIS/EIR, all subsequent manifests and clean-up activities at the mine site since the DTSC Investigation

In addition, as part of the public record, the cited April 20, 1994 CCHW correspondence to the Citizens for the Chuckwalla Valley is hereby included as part of the Administrative Record of this EIS/EIR (see Response to Comment 195-2). Also see Appendix P.

Response to Comment 195-4

The additional BLM surveys are included in Appendix P. No additional work requiring manifests has been conducted.

- Land Exchange issues: Since the inception of this proposal we have as individuals, as well as through an attorney, Mr. Lawrence McHenry, raised issues that have been repeatedly ignored. We attended all four BLM hearings regarding this proposal, during the first week of August. We expect that the issues/concerns raised then will be addressed in the final document. In addition to the public testimony, and the documents we handed in, during the public hearings, to be part of the FEIS/EIR we once again resubmit questions that have been raised in the past, and expect them to be addressed this time. The documents submitted are as follow.: 5

  1). June 30, 1995 Comments To Notice Of Exchange Proposal, to Ms. Julia Dougan, BLM from the Charpied's. This letter is rife with unanswered questions - how 'bout answering them this time? Attached to this letter are Exhibits A through E, to be made part of the FEIS/EIR, and are as follow:

  a. March 27, 1995 Appellant's Response To Respondent BLM's Motion To Remand Eagle Mountain Dump BLM Land Exchange CACA-30070.

  b. March 20, 1995 legal brief from Mr. McHenry to the IBLA; Appellant's Response To Respondent BLM's Motion To Remand.

  c. April 27, 1995 IBLA Order to vacate decisions and remanded back to BLM. It was nice of you to include the Decision to Stay the land exchange, however this order is significant, too. You see, the Department of Interior's Board of Land Appeals, sent this case back to fix the "serious, substantial, difficult, and doubtful questions" regarding the land exchange. It is also significant to realize that the appellants have not prejudiced themselves, and could bring the unanswered issues back on appeal.

  d. Cover page of Appraisal Report Volume II, and the pertinent page regarding ownership of land at Eagle Mountain. How can a private citizen, Ken Statler, own/share title of public lands with Kaiser ?!? The entire mess is fraught with preferential treatment to certain public and private individuals at the expense of the taxpayer.

  e. June 20, 1995 Press Enterprise newspaper article. The finances of both Kaiser and MRC are questionable. Financial documents filed with the Securities and Exchange Commission clearly indicate the poor financial outlook for Kaiser projects. Kaiser is a menace to the environment, as proven by the lawsuits the company is constantly mired in. Most recently, the City of Ontario is suing Kaiser for contaminating municipal groundwater during their mill activities, with mercury. The company has been liquidating all of it's assets to provide the income that the company's executives have grown accustomed to. The company even sold shares of it's retiree's stock a few years ago to obtain an influx of capitol. The company now only owns 12% of the Penske Raceway, and will undoubtedly sell of the rest to pay for up-coming litigation. Having said this, and there's much more proof of the crippled finances of Kaiser/MRC, then how in the world are they going to pay for all of the monitoring/mitigation measures that they promise? Who will really operate this dump? Kaiser? MRC? BFI? Riverside County? Just exactly who is going to put up the guarantees for environmental remediation, etc.? Does Riverside County intend to underwrite Kaiser/MRC for revenue bonds to construct and operate a dump that nobody wants next to Joshua Tree National Park? Inquiring minds want to know.

Response to Comment 195-5

The public testimony of the commenter and responses to this testimony are contained in Responses to Comments 15, 16, 17, and 18. For issues related to the land exchange, please see General Response 4, Appendix V, and Response to Comment 20-52.

- California BLM Level I Contaminant Survey. You did not include in the DEIS/EIR per the Court's order. The subject Survey after all is the trigger to the DTSC Site Investigation. Further, we offer the Survey as evidence that the sewage treatment ponds are in trespass on public lands. Again, not a new issue, only one that has gone ignored for almost a decade. 6

- Letter dated May 10, 1996 to Congressman Bono, from Ca. BLM State Director, Ed Hastey. Most of this letter seems to have been written by Rick Daniels, CEO of MRC. We bring to your attention the area that states in part, "...Part of the sewage disposal facility is located on Federal lands in Section 12, Township 4 South, Range 14 East, SBBM...". The DEIS/EIR states that there is a sequential transfer of wastewater between the ponds, indicating that Kaiser and the Community Correctional Facility utilize sewage settling ponds that are in trespass on public lands. The Regional Water Board needs to issue a cease and desist order. These ponds serve the town of Eagle Mountain that has a population of approximately 1,000 people, including inmates. The entire sewage system needs to be replaced, since the current system is over 40 years old, in ill repair, and represents a danger to the community. 7

Response to Comment 195-6

See Response to Comment 195-4. In addition to the BLM Level I surveys conducted in 1992 and 1996, the DTSC investigation, and the U.S. EPA Preliminary Assessment, MRC retained an independent consultant to perform a Phase I Site Assessment for the privately held lands in the vicinity of the Project site. The report, Results of Phase I Environmental Site Assessment, Eagle Mountain Project (May 1996), was provided to the BLM and Riverside County Planning Department for their records. The report details findings that corroborate information in the previous BLM and DTSC reports and makes detailed recommendations regarding the handling and testing of materials as the landfill site is developed and the Townsite is renovated and repopulated. Kaiser presently continues to remove mining equipment through salvage and demolition operations, and in doing so, uses the recommendations in the Site Assessment. See Appendix T.

Response to Comment 195-7

The ponds are located both on lands Kaiser owns in fee and unpatented millsite claims owned by Kaiser. The use of these federal lands to support the mining operation is an appropriate use. See General Response 4 and Section 3.5.8 of the Draft EIS/EIR. Title to the millsite claims is held by the federal government and managed by the BLM. These federal lands are proposed to be exchanged as part of this process and therefore title would then be held by Kaiser, if the land exchange is approved and consummated. The portion of the ponds that are actively being used at this time are all held in fee by Kaiser. The Regional Water Quality Control Board (RWQCB) issued a permit to Kaiser for the operation of these sewage ponds. Kaiser presently has an active NPDES permit (See Section 3.12.1 of the EIS/EIR) for these ponds that allows them to discharge up to 46,000 gallons per day in the ponds. Kaiser averages about 35,000 gpd of discharge into the ponds. The system is designed for over 270,000 gpd.

The piping in the sewage system is constructed almost entirely of clay pipe with mortar joints. In mapping the system for preparation of the specific plan, Kaiser used dye tracers to verify that the system was in good working order. Kaiser routinely maintains, upgrades, and/or replaces piping as needed. The RWQCB also inspects the system annually.

- Copy of the pertinent pages to the TEST WELL DRILLING DEVELOPMENT REPORT EAGLE MOUNTAIN SCHOOL WELL. This is at least the tenth time we have submitted this information for the public record. Indeed, even during the Court trial, the polluters denied awareness of the choliform and nitrates detected in the school's well. On page 3 of the report, it states in part, "...The well was drilled more than 50 ft. from a north-south sewer lateral in the street west of the well site...". It seems reasonable to hypothesize that the choliform detected in this well entered the well via fractures, from the dilapidated infrastructure. Nitrates, incidentally are food for choliform. Page 4 of the drilling report states in part, "...the water appeared to be coming in from fractures that seemed uniformly distributed throughout the length of the test hole...". 8

Response to Comment 195-8

(a) Copies of the report and data have been reviewed. The school well is a well drilled by the Eagle Mountain School District in 1985, but was never used for production because of the operating and maintenance cost to the school and because of the naturally high levels of fluoride. The school district has confirmed that their decision not to use the well was not due to any alleged contamination of the well.

(b) The comment is incorrect. In 1991, two samples of well water were analyzed for coliform with both results being negative. During the period of September 1990 through September 1993, 14 separate samples of the well water were tested for nitrates. Examination of the test results indicate that the highest level of nitrate (NO_3) detected in the wells was 19.4 milligrams per liter. The federal and state limits for nitrates in domestic water is 45 milligrams per liter. Tests for chlorides in the well water during the same period indicated a range of 130 to 140 milligrams per liter. The acceptable levels of chlorides in municipal water supplies is generally in the range of 150 to 250 milligrams per liter.

(c) The comment that the well was drilled more than 50 feet from a north-south sewer line located west of the well is not correct. Actually, the well was drilled 200 to 250 ft from the sewer line and about 200 feet south of another east-west line. The well is located on school district property just to the east of the Townsite. The normal setback of wells from sewer lines is 50 feet.

(d) Comment noted. This type of flow is representative of the groundwater flow in the bedrock near the site as discussed in Section 3.1 of the Draft EIS/EIR. The uniformity of the fracture spacing supports the conclusion that the local bedrock aquifer is representative of a porous medium and, therefore, can be monitored.

The DEIS/EIR indicates that the sewage settling ponds may be a source for potential groundwater contamination. We allege and maintain the contention that the sewage system has already compromised the elementary school well via the settling ponds or from the 40 year old sewage lines going to the ponds, or both. Clearly choliform bacteria and nitrates have been detected, and ignored. The only remediation is that the school no longer uses the well. That is unacceptable, for it is only a matter of time before contamination spreads, if left unchecked. 9

The Regional Water Board currently regulates the ponds under Waste Discharge Requirements (WDR) granted in 1988. Under WDR Section (A)(1) Discharge Specifications, Kaiser Steel Corp must comply with the following requirement:

"Neither the treatment nor the discharge of wastewater shall create a pollution or a nuisance as defined in Division 7 of the California Water Code." 10

"Pollution means an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either of the following:

(1) The waters for beneficial uses.
(2) Facilities which serve the beneficial uses."

"Nuisance means anything which meets all of the following requirements:

(1) Is injurious to health...
(2) Affects at the same time an entire community or neighborhood, or any considerable number of persons...
(3) Occurs during or as a result of the treatment or disposal of wastes."

Now Kaiser and their polluting buddies will probably say that the evidence presented here is not conclusive enough to say that the sewage facility at the site is the culprit. We disagree, but offer a possible solution. The polluters should be required to drill monitoring wells to determine the source of contaminants currently in the ground water. As we have suggested with the monitoring wells for the dump, we request that the monitoring wells for the sewage ponds need to be horizontal monitoring wells, to allow for capture and analysis of any contaminants that may be released from the ponds. Usually the polluters and their consultants want to drill monitoring wells in a location that will not detect pollution. The horizontal monitoring wells can encompass the entire pond area, thereby making it more likely to detect contamination. Moreover, once contamination is detected, a cease and desist order must be issued by the Water Board, and remediation must begin. We reiterate that we suggest/request that horizontal monitoring wells be installed around the perimeter of the proposed dump, as well as the sewage ponds, to ensure contamination is detected at the earliest possible time. This is a common practice in the o[illegible] to prevent contamination from spreading, in a timely manner. a b

Response to Comment 195-9

(a) Analyses of the test results show that the school well is not contaminated. Further, the direction of groundwater flow in the area is not from the sewage ponds towards the School Well. The school well is approximately 2,000 feet north of the lagoons and the groundwater flow is towards the south south-east, away from the well. The sewer lines are made of clay pipe with mortar seals. These types of pipes are used for sewer lines because they are inert and do not deteriorate with age. Given the extreme depth to groundwater, direction of groundwater flow, and the likely very low volumes of seepage, its unlikely fluids from the pipes could reach the school well. This is verified by the water quality test results of the school well. See Response to Comment 195-8.

(b) The comment that the school well is not used because of contamination is incorrect. The School District has verified that the well is not used because of the cost and the naturally occurring high fluoride levels. Please see Response to Comment 195-8(a) and 195-9(a), above.

Response to Comment 195-10

(a) The Draft EIS/EIR concludes in Section 4.1.2.1 (page 4.1-19) that, "The effect of the Townsite treatment plant on groundwater-quality degradation is not considered to be significant." The Draft EIS/EIR also states on page 4.1-19: "The [treatment] plant is currently operating in compliance with the operational permit from the California Regional Water Quality Control Board and will continue to do so under a new permit when issued." The operational permit for the treatment plant does not require groundwater monitoring.

(b) Groundwater monitoring wells, either vertical or horizontal, are not necessary at the wastewater treatment plant (see Response to Comment 195-10(a)). Moreover, horizontal wells are particularly inappropriate for several technical reasons (e.g., excessive screen lengths that result in diluted, unrepresentative samples; difficulty identifying appropriate well depths due to the relatively small diameter (vertical capture) of the wells), which is why horizontal wells are not typically used for environmental monitoring.

It also behooves the polluters to place horizontal monitoring wells around the old dump that Kaiser utilized prior to the County opening up the small dump on Kaiser road. This dump has gone without any monitoring what-so-ever, and may be contaminating now. During the DTSC Investigation, the Supervisor, Ms. Sharon Fair did not want to go and inspect this dump, because she said that anything that might be found would not be in DTSC's jurisdiction. Thus, the FEIS/EIR needs to address it. c

The DEIS/EIR makes references to the Riverside Countywide Integrated Waste Management Plan (CIWMP), and that the proposed Eagle Mountain dump is included in the County's Siting Element. We have been participating in the development of the CIWMP by attending public scoping sessions/ hearings, and providing written comments. Instead of rewriting the comments to CIWMP Preliminary Draft, we enclose the following: 11

- Copy of Fax Transmittal Cover Page and Comments to CIWMP REVISED PRELIMINARY DRAFT, dated 7/17/96. Our comments clearly illustrate that the proposed dump at Eagle Mountain does not even meet the

bare bone requirements to be included in the CIWMP documents. Also, the DEIS/EIR gave it's lame contention regarding the alternative, landfill mining. This issue is also addressed in our comments. Actually, the negatives that the EIS/EIR consultant listed about landfill mining, are actually the same negatives associated with dumping. Thus, if these same self negatives cannot be mitigated in landfill mining, there should be no more new dumps sited, cause they are too dangerous. Again we request that the comments we made to the CIWMP be included in the FEIS/EIR addressing the issues that we have raised, regarding the proposed Eagle Mountain dump. (There is an attachment to this letter, a copy of the State Water Resources Control Board letter, that will be discussed, and incorporated into our comments later).

Joshua Tree National Park. Clearly the public interest dictates that this dump is not wanted or needed around this CROWN JEWEL of our desert ecosystem, as evidence by the outpouring of support for the Park at the Black Rock Visitors Center public hearing. None of the folks there who spoke (all speakers spoke in opposition to the dump, at this hearing), were bussed in to participate with a promise of a free lunch, hat and restoration of "phantom retiree benefits". No Joan and David, you witnessed ordinary, tax paying citizens speaking out for the protection of the environment for future generations to enjoy. 12

We have received a copy of the verbatim (?) transcripts for all four hearings, and though the reporter kind of caught the gist of what was being said, the transcripts were hardly verbatim. For this reason we will resubmit some documentation that was placed into the public record, however would not be able to prove if using these transcripts as a "barometer". The documents are as follow:

- Copy of 4/15/96 Freedom Of Information Act Request (FOIA), from the Citizens For The Chuckwalla Valley, (CCV), to Director, National Park Service, Roger Kennedy, requesting information regarding Kaiser/MRC's lobbyist Anne Wexler, and the relationship with the Director. FOIA requests give the public an opportunity to know, first hand, how the Federal Government conducts the public's business.

- Copy of 5/1/96 Freedom Of Information Appeal, from CCV to the Freedom Of Information Act Appeals Officer. 43 CFR Section 2.17 (3) (e) stipulates that if a FOIA request is not responded to within ten days, the requester must assume that the request was denied, therefore CCV submitted an appeal to the 4/15/96 FOIA Request denial.

- Copy of 5/8/96 FOIA response to CCV from National Park Service (NPS), Washington DC. The information supplied to CCV is quite an eye-opener. CCV literally received a box of documents pertaining to the proposed dump, and the NPS. The documents that we include in the FEIS/EIR are as follow:
  1. 5/8/96 cover letter to CCV from NPS. Note that Roger Kennedy sits on the Board of Directors for the National Park Foundation, along with the polluter's lobbyist, Anne Wexler.
  2. 3/18/96 "Confidential" memo from the polluter's lawyer, Paul Seltzer, to Gary Johnson (MRC), and Anne Wexler, recounting a telephone conversation with Under Secretary Of Interior, John Garamendi. This memo clearly illustrates the tactics that the polluters will employ to get their

(c) Actions at facilities that do not pertain to the Eagle Mountain Landfill or Townsite are not within the scope of this EIS/EIR.

Response to Comment 195-11

The comments cited were considered and addressed by the Riverside County Waste Resources Management District (RCWRMD) on the siting element. The Eagle Mountain Landfill is acknowledged in the County siting element. Please also refer to Section 2.8.4 of the Draft EIS/EIR and Response to Comment 20-47 concerning landfill mining.

Response to Comment 195-12

During the preparation of the Draft and Final EIS/EIR, the BLM has worked with the NPS and other resource agencies to ensure that any impacts of the Project on JTNP are fully evaluated and, where appropriate, mitigated. As a cooperating agency in the NEPA process, the NPS provided input at every stage, including extensive comments on significance standards for evaluating impacts, the Administrative Draft EIS/EIR, and on the Draft EIS/EIR itself. As the lead agency, BLM fully considered the NPS's input provided written responses to NPS comments, and has made appropriate changes in the EIS/EIR. Apart from the NEPA process, the Project applicant (MRC) and the NPS including staff from JTNP, have negotiated an agreement (Appendix T) that would address potential long-term, unforeseeable impacts of the Project on the desert environment. Although the Agreement is not required by NEPA or any other law, the BLM supports the efforts by both parties to reach agreement. The NPS states in this Agreement that the EIS/EIR is a "complete analysis of the known effects of the Project upon the environment." With respect to the comment's concerns about the fairness or impartiality of the NPS officials engaged in the decision-making process and other parties, BLM considered all correspondence and other documentation submitted by the commenters. Finally, concerning comments from the NPS, their comments are addressed in Responses 1-1 through 1-182, in General Response 3, and in the Agreement between NPS and the applicant (see Appendix T).

dump regardless of the consequences. Notice the reference to Senator Feinstein, who is evidently at the beckoning call of the polluters. CCV attempted for months, actually years, to meet with the Senator, but she refuses. But as you will see later, the Senator is quick to write letters to support the dump. The polluters really want to enter into a Memorandum of Understanding (MOU) with JTNP/NPS, in attempt to conceal the concerns of JTNP, as opposed to providing scientific analysis and good faith review of the impacts to the Park. Clearly, ignoring issues/concerns raised during this process thwarts the intent of NEPA and CEQA. The public will have no way to respond or give input to an ancillary document, such as an MOU, and we therefore request again, that all of JTNP/NPS comments are addressed in the FEIS/EIR.

3. 3/20/96 Fax to Roger Kennedy from Anne Wexler. This fax transmittal to Mr. Kennedy clearly illustrates that the polluters have absolutely no intentions of addressing JTNP/NPS concerns. The polluters, BLM, County, and CH2M Hill cannot say that they did not receive JTNP/NPS comments, for Ms. Wexler provides an assessment of the comments to Mr. Kennedy. In assessing the comments, the polluters use terms such as "bizarre assessments", "this is an old issue", "this could be dealt with in the MOU". The polluters even question the legitimacy of JTNP/NPS personnel who provided comments. After reading the assessments of JTNP/NPS comments in Ms. Wexler's fax, we cannot help but wonder - Are these people lacking the intelligence necessary for understanding and responding to Agency comments?, or are they just plain evil ignoring and pounding their fists at anyone who disagrees with them ? Since the DEIS/EIR ignored comments from many sectors of society, we believe the latter holds true. The "kicker" in the document, is at the end, where Anne Wexler "coaches" Roger Kennedy on how to approach JTNP, and apply pressure on behalf of the polluters. So here we have Public Servants, JTNP/NPS, who are diligently carrying out their duly mandated duties to protect the Park, and their "Chief" does nothing, at least publicly, to support his staff.

4. June 2, 1995 letter from Director Kennedy to File, with the Department of Interior. This is the biggest crack-up yet ! This letter is supposedly an attempt by Roger Kennedy to make it appear as though he has recussed himself from any discussion regarding the dump, because of Anne Wexler. You did notice the date of the letter is June 2, 1995. Now look at the date of the fax to Roger Kennedy, its March 20, 1996 !!! Obviously, Roger is not involved "on Paper", but is clearly involved, if nobody is looking ! There needs to be an Inspector General investigation into this seemingly corrupt behavior between our elected officials (Feinstein), and appointed officials, (Kennedy).

5. September 8, 1995 letter from Senator Feinstein, to Secretary Babbitt. This is to illustrate that the Senator is at the disposal of the polluters. She makes some lame contention about buffer zones, that NPS never even raised. Clearly, Diane Feinstein had no intentions of protecting the desert with the Desert Protection Act. What the Senator IS doing, is protecting the DUMP from the Park - hey Senator, it should be the other way around! Another interesting point regarding this letter is, it appears that Rick Daniels wrote it. As mentioned above, NPS literally sent a box of documents pursuant to CCV's FOIA request. Among the documents is yet another inner-office memo, from Rick, with the exact same language in the Feinstein letter. (As an aside, Congressman Bono and Jerry Lewis also wrote identical letters to the Secretary)

6. Although not obtained from the FOIA request, we include a copy of a letter from Mr. Garamendi to a private citizen dated July 24, 1996. Perhaps Senator Feinstein should read it. It states in part, "...The law requires that the park give input regarding potential impacts to lands administered by the National Park Service...".

We did state during the public hearings that we are extremely disappointed that JTNP/NPS comments have been ignored. As you know, CCV has obtained copies of all JTNP/NPS comments to the Administrative Draft EIS/EIR, through the FOIA request. We KNOW you have this material, and hope to see the issues addressed in the FEIS/EIR. You may have seen a "theme" developing here - the Public's and Agency comments have gone ignored, again. Dr. Jerry Freilich provided extensive comments to the administrative environmental documents, and we acquired a copy his comments to this DEIS/EIR and we make the comments part of our input to the DEIS/EIR as follow: 13

1. 8/15/96 cover letter, Dr. Freilich writes in part, "...I was ASTOUNDED that NONE of my comments on the administrative draft were even mentioned much less addressed".
2. Review of the Draft Environmental Impact Statement for Eagle Mountain by Jerry Freilich 8/14/96. Your responses to Dr. Freilich are anticipated in the FEIS/EIR.

Also during the public hearings, we requested that you obtain copies of the video of JTNP/NPS and the four renown ecologists discussing the potential impacts to the Park. Clearly, the ecologist did not view the comments from JTNP/NPS as "bizarre". We asked you to obtain a copy because knowing the polluters the way we do, they would probably accuse us of tampering with the tapes. These tapes must be made part of the public record. At this time, with regards to the video, we attach the following.

1. May 25, 1996 letter to Superintendent Quintana from the Charpied's requesting notes from the meeting held with JTNP/NPS and the ecologists.
2. June 1, 1996 letter from Superintendent Quintana to the Charpieds, in response to our request of notes taken during the meeting. Mr. Quintana writes in part, "...No transcripts of the May 15th meeting were made, however, we did video tape the entire process. Copies of the video tapes are enclosed for your use and files...".

Response to Comment 195-13

Comments from both NPS and JTNP staff were considered fully in preparation of the Draft EIS/EIR. (See Response to Comment 195-12 and General Response 3. Dr. Freilich's comments were reviewed prior to finalizing the Draft EIS/EIR. The NPS in its December 9, 1996 Agreement has stated that the EIS/EIR is a complete analysis of the known impacts. In reference to the videotape mentioned in the comment, see Response to Comment 195-27.

We are genuinely concerned about the impacts from the dump, on JTNP. We offer a suggestion/mitigation that may help to reduce the likelihood of wind blown trash entering a Class I airshed, International Biosphere Reserve, and designated wilderness areas. You propose to put a MRF/Transfer station at the site for the "local" community to deposit their trash, then sort it prior to entering the proposed dump. Kaiser owns land at Kaiser and Oasis Roads. We strongly urge the moving of the transfer station/MRF to that location, for several reasons,: 14

1. It will help to reduce the amount of wind blown trash into the areas described above.
2. It would help to reduce traffic going to the site, that will already be congested with a proposed 200 trucks a day, 12 trains train trips, coupled with the traffic going to the correctional facility, the traffic to and from the elementary school, and the traffic from the service industry transporting products to the town of Eagle Mountain
3. Reducing traffic to the site in turn will reduce the amount of vehicle emissions wafting through the Park, and

Response to Comment 195-14

The proposed Project does not include the siting, construction, or operation of a proposed Material Recovery Facility (MRF) or transfer station. The Project does, however, include the operation of a local waste receiving facility at the site. This will consist of an area at the landfill site where citizens living in the Chuckwalla Valley can drop off waste or recyclables and is described in Section 2.1.7.2 of the Draft EIS/EIR. See Response to Comment 28-3.

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4. This site is centrally located in the Desert Center/Eagle Mountain community.

If you disagree with our mitigation suggestion, please show data that will prove moving the transfer station/MRF from the site to Kaiser/Oasis Road, will not have a positive benefit to reduce impacts to the Park. Further, we could not find analysis anywhere on the anticipated impacts, from and to, the MRF/transfer station, at the site

Water Rights: Kaiser has little to no water rights in the Chuckwalla Valley. According to the DEIS/EIR, Kaiser owns approximately 280 acres. The County of Riverside said Kaiser has had no vested mining rights since 1983. The wells that Kaiser uses are on "loan" to the Metropolitan Water District, (MWD), through a Private Law allowing for the conveyance of water, from the Havasu to Los Angeles canals. Kaiser has been removing, using, and selling the Valley's water illegally. How do they intend to compensate the Valley's land owner's? Where will Kaiser get the water necessary for their dump ? The wells that they currently use cannot be used for a garbage dump. By law, the wells only purpose is for the conveyance of water to Southern California. 15

Kaiser does not have enough land holdings to even cover its estimated groundwater usage. Where will the water come from ? Even the land that they own geologically have very little water. Kaiser's legal percentage of water cannot sustain the townsite, much less the dump. How will Kaiser acquire the necessary water ?

Response to Comment 195-15

Water rights in the Chuckwalla Valley basin have never been adjudicated. Any water well owner has the right to recover ground water in quantities for which he or she can demonstrate a beneficial use, and this does not depend on the amount of acreage owned. In the 1960s and 1970s, Kaiser pumped as much as 4,100 acre-feet of groundwater from the Chuckwalla Valley aquifer. This is over three times more than the maximum amount proposed to be pumped, as discussed in Section 4.1.3 of the Draft EIS/EIR.

The comment that the Draft EIS/EIR states that Kaiser owns only 280 acres is incorrect. Approximately 2,071 acres of the Landfill Specific Plan area are owned by Kaiser in fee, and approximately 1,685 acres of the Landfill Specific Plan area are located on vested mining and mill site claims held by Kaiser. The remainder of the landfill specific plan acreage is owned by the federal government and Kaiser has no claims on it. In the vicinity of the proposed Project, Kaiser owns more than 6,500 acres.

The comment that the County of Riverside said Kaiser had no vested mining rights since 1983 is incorrect. A mining right is given by the federal government by way of the location of a mining claim. Kaiser holds vested mining claims (rights) on over 1,685 acres of the Landfill Specific Plan area, and has paid the federal government annually to maintain claims. The County has stated that Kaiser must secure a new mining permit from the County in order to mine. Kaiser has not filed for a new mining permit with the County and has stated no intentions of doing so.

The comment that Kaiser uses wells on loan from MWD is incorrect. Kaiser has a lease with MWD for two wells in the Pinto Basin called the Pinto Wells, which are located within JTNP. Kaiser currently does not pump from these wells and has no intention of pumping from these wells. Kaiser owns three water wells (CW-1, CW-2, and CW-3) in the Chuckwalla Valley from which water is pumped for use by Kaiser.

The comment that Kaiser has been removing and selling the Chuckwalla Valley's water illegally is incorrect. Kaiser has not been using or selling water illegally that is pumped from the Chuckwalla wells or from any other wells that Kaiser owns. As a result, there is not need for Kaiser, as suggested in the comment, to compensate the Valley landowners. Kaiser also provides water to the Eagle Mountain School for no charge.

The comment is incorrect in stating that by law the wells only purpose is for the conveyance of water to Southern California. As discussed in Section 4.1, Kaiser will continue to get water from the three wells it owns in the Chuckwalla Valley.

The comment that the wells owned by Kaiser cannot be used for the landfill is incorrect. There is no law or regulation that prevents Kaiser from using these wells.

The comment states that Kaiser does not have enough land holdings to even cover its groundwater usage and questions where Kaiser will get the water because they do not have enough land. The water rights in the Chuckwalla Valley have never been adjudicated. Kaiser and other landowners in the Chuckwalla Valley can drill a well on land they own or control and pump as much water as they can put to a reasonable, beneficial use, and that does not legally depend on acreage owned or used. The maximum amount of water Kaiser and MRC will use is less than the water Kaiser used when the mine was at its maximum operation. Pages 3.1-25 through 3.1-27 and 4.1-24 through 4.1-35 in the Draft EIS/EIR discuss in detail the historical groundwater use and the proposed groundwater use for the project. Although there is no legal relationship between the amount of land owned and the amount of groundwater that can be pumped, Kaiser owns or controls more than 6,500 acres of land in the Eagle Mountain vicinity, making Kaiser one of the area's largest land owners.

Overdraft. The DEIS/EIR is another example of a document generated to support a proposal, as opposed to full disclosure and analysis of impacts to ensure that implemented mitigation measures are effective. Several large and significant omissions in the DEIS/EIR will cause your conclusion of "no significance" to water quantity, to change to a significant negative impact to water quantity. The data used to calculate groundwater usage omitted several significant groundwater users. Please include all wells and their locations from where your pumpage data was derived in the FEIS/EIR. The below list includes a non-comprehensive list of the data that has been omitted.: 16 a b

1. Chuckwalla State Prison	730 acre feet per year (A/F/Y)
2. Ironwood State Prison	1,123 A/F/Y
3. City of Blythe	3, 146.5 A/F/Y
4. Corn Springs palms/ponds/row crops 640 acres @ 5 A/F/Y	3,200 A/F/Y
5. 15 acre (approximate) fish farm @ Corn Springs	566 A/F/Y
6. Golf Course @ Lake Tamarisk	730 A/F/Y
7. Winter visitors @ Lake Tamarisk	100 A/F/Y
TOTAL	9,617.5 A/F/Y

DEIS/EIR usage = 7,100 A/F/Y
Omitted usage = 9,617.5 A/F/Y
Total Usage = 16, 717.5 A/F/Y

Response to Comment 195-16

(a) Since the Draft EIS/EIR was prepared, additional information on agricultural and aqua (fish) farming water use in the western Chuckwalla Basin has been obtained and evaluated. As a result, the estimate of water use in the western Chuckwalla basin has been updated to reflect 1995 conditions (the latest estimate in the DEIS/EIR was for 1994). The update represents an increase in the estimate of agricultural and commercial/domestic water use by approximately 1,765 ac-ft to 8,865 ac-ft in 1995. This does not alter the analysis update or conclusions of the EIS/EIR.

In addition, a pumping estimate from the six wells that serve the Chuckawalla and Ironwood State Prisons (there are no direct measurements of total pumpage from these wells) has been added to the estimate of total groundwater withdrawals from the Chuckwalla Basin. Although these wells are technically within the basin, they are located at the basin's downgradient edge where groundwater flows eastward from the Chuckwalla Basin into the Palo Verde Mesa Basin. Consequently, the prisons' wells, which are more than 30 miles east of the Desert Center area where most of the basin's groundwater pumping occurs, essentially capture only a portion of the groundwater that naturally flows out of the basin (given 1995 estimated groundwater use). Pumping from these wells is not, therefore, considered to influence groundwater conditions in the western Chuckwalla Basin.

Even if the combined pumpage for both prisons (approximately 1,800 ac-ft/yr) is added to the other components in the updated estimate of groundwater use, the revised total is 10,665 ac-ft/yr. This value of pumpage remains below the estimate of annual average recharge to the basin of 12,240 af-ft/yr (see Section 3.1.1.2 of the Draft EIS/EIR). As a result, the conclusion in the Draft EIS/EIR that the Chuckwalla Basin is not currently in overdraft is not changed by the revised estimate of groundwater use in the basin.

Groundwater withdrawals by the City of Blythe are not included in the estimate of groundwater use because all of the wells that serve Blythe are within the city limits and outside the Chuckwalla Basin. Groundwater pumping associated with the new agricultural and fish farming operations in the vicinity of the I-10 exit for Corn Springs on have been included in the revised estimate of groundwater use in the basin. Water requirements for Lake Tamarisk, including the golf course and winter visitors to the Desert Center area (e.g., Land Yacht Harbor), were previously accounted for in the estimate of water use in the Draft EIS/EIR (see Table 3.1-3). Also see Volume I of the Final EIS/EIR.

(b) As stated in Sections 3.1.4.1 and 3.1.4.2 of the Draft EIS/EIR, groundwater usage in the Chuckwalla Basin has been estimated for the purposes of impact analysis. These estimates are based on the local population, specific pumpage from wells where information is readily available (e.g., Kaiser, Lake Tamarisk, individual well owners that keep such records), field inspection of agricultural and fish farming practices, current and past information on land use practices in the Chuckwalla Basin. The text of the Draft EIS/EIR incorrectly uses the word "data" on page 3.1-26 in the fourth sentence under "Groundwater Overdraft." This word is replaced in the Final EIS/EIR with the word "estimate." This change does not alter the analyses or conclusions of the EIS/EIR.

We are in overdraft compared to the DEIS/EIR 12,240 A/F/Y in flow number. The DEIS/EIR states that there are two ways of inflow of water into our aquifer:

1. Interbasin inflow which totals 6,700 A/F/Y, and,
2. Precipitation percolation: The DEIS/EIR states that 13% of the total basin contributes 200 A/F/Y in precipitation percolation. Based on this example, total basin inflow from rain is 1, 538 A/F/Y. Based on these two figures, total inflow to the basin is 8,238 A/F/Y. Where does the extra 4,002 A/F/Y inflow that you predict come from?

c

Mitigation for leachate pollution of groundwater is to pump and remove the contaminated water. What volume of water will be pumped ? How can the mitigation for groundwater pollution not be considered a negative significant impact to the groundwater supply?

d

The DEIS/EIR omitted data relating to the three monitoring wells that the consultant firm, Greystone, installed on our ten acre property. Flow, draw-down, recovery rates were all calculated from 24 hour test pumps. During the time of the data collecting and preliminary analysis, Patti Croen, lead person for Greystone, and Mark E. Sydnor, Senior Hydrologists, both told us that the water necessary was not available. The study was to determine groundwater flow, availability, recovery, etc. Why was this information omitted? CH2M Hill knows that all such studies are on record with the California Department of Water Resources. In fact, our well has been used for previous data collection by MRC, and there is no excuse for CH2M Hill to omit this very important data. We attach copies of information that was supplied to CH2M Hill, per Tom Peter's request, please include this time in your analysis. The documents are as follow:

e

- October 9, 1995 letter from Tom Peters requesting our assistance in evaluating the local groundwater. Mr. Peters states in part, "...The information that you provide will be used in the development of the EIS/EIR, consequently, you should be aware that this information could become public knowledge, if it is not already...". Evidently, Mr. Peters, with the Blessings of the County and BLM will not make public, any information that may hurt the dump project.

- November 9, 1995 letter to Tom Peters from the Charpied';s pursuant to the above request. Attached with this letter are the following documents:
  1. Water well driller report for well located off Kaiser Road - Were any test pumps conducted there?
  2. Monitoring well drilling permits numbers 19253, 19254, and 19255, issued by the County of Riverside Department of Health.
  3. Well Completion Report numbers 456913, 456914, and 456915, for the above described monitoring wells. Pursuant to the telephone conversation with Tom Peters prior to sending the requested information, Mr. Peters knew that the Eagle Crest Energy Company (formerly Eagle Mountain Energy Company), had drilled the monitoring wells to collect the data we described above.
  4. March 29, 1994 letter from Greystone thanking us for our cooperation, and authorizing payment to the subcontractors utilized for the project.
  5. April 20, 1994 letter from the drillers stating they received payment from Greystone for the three monitoring wells. We include this just as evidence that someone drilled wells here, and we

f

believe that we supplied you with sufficient information for you to provide real analysis regarding our groundwater. It behooves you to obtain the data from the three monitoring wells on our farm and include in the FEIS/EIR.

(c) As stated in Section 3.1.1.2 (page 3.1-10) the value of recharge to the Chuckwalla aquifer was obtained from the previous EIS/EIR for the Project (BLM and the County of Riverside, 1992). The estimate of recharge includes groundwater inflow from the Pinto, Orocopia and Cadiz groundwater basins, and the infiltration of precipitation that falls on the mountains within the watershed of the Chuckwalla Basin.

(d) No remedial action is anticipated as a result of the proposed Project (see Significance After Mitigation, Section 4.1.2.1 (Page 4.1-13); therefore, the volume of water that will be pumped as a result of groundwater remediation is anticipated to be zero.

(e) Groundwater pumping for remediation of contamination is not anticipated (see Response to Comment 16(d)); therefore, remedial pumping is not factored into the groundwater pumping requirements of the proposed Project. In addition, remedial pumping is not necessarily a consumptive use of groundwater. Many water treatment technologies recycle the treated water back to its source (i.e., groundwater).

(f) The monitoring well data cited in the comment were used in preparing the Draft EIS/EIR. Specifically, the analysis of potential water-level decline in wells near the proposed Project wells (see Section 4.1.3.1 (page 4.1-27), was based on well specifications and water-level information from wells on the commenters' property.

Eagle Crest Energy Company (ECEC), submitted data with the Federal Energy Regulatory Commission (FERC), for their proposed pump-storage hydroelectric facility permit. One report, "Source Anticipated Impacts..." dated October 1994, page 15 states the movement of extraction well location is possible, however, the modeling effort suggest that to mitigate the impacts to other users in the Valley, the extraction points would have to be moved further to the southeast, because the Valley widens in this direction providing greater water storage. Three water studies were done, in different locations, by Greystone, where they draw this conclusion. Two of the studies are incorporated into the DEIS/EIR for the proposed dump, however the tests performed at our farm were excluded. Of course, this is the data that shows the lack of necessary water availability. The impacts to the water level are more severe than admitted in the DEIS/EIR. In fact, this document confirms aquifer depletion is on going ! 17 a b c d

Response to Comment 195-17

(a) It is unclear what the comment means by quoting from this portion of the October, 1994 Greystone report. The context of the remark by Greystone in this report is related to the potential mitigation measures for the anticipated 45 feet of groundwater-level decline that the Eagle Crest (ECEC) hydroelectric project could cause in the Chuckwalla Basin. Apart from cumulative impacts, there is no relationship between the proposed landfill Project and the ECEC project. With the ECEC project, the cumulative impacts of the two projects on groundwater availability would be significant (see Section 5.5.2.1 [page 5-38]), because the ECEC project, alone, exceeds the significance criteria in the Draft EIS/EIR for water use. It is not necessary to relocate wells as suggested.

(b) Data provided by the commenters were reviewed and used in the impact analysis in the Draft EIS/EIR (see Response to Comment 195-16f). From a review of the Greystone report in question, it is not obvious what information in that report actually came from wells on the commenters' property. Although the Greystone report was reviewed for technical content pertinent to the Draft EIS/EIR, none of the data or findings was used directly in the Draft EIS/EIR. The data in the Greystone report are actually much less conservative than the data used in the Draft EIS/EIR with respect to water availability and groundwater pumpage in the Chuckwalla Basin. Specifically, Table 7 of the Greystone report in question estimates groundwater pumping in the basin to be approximately 5,000 ac-ft/yr in 1994, which is more than 2,000 ac-ft less than the value used in the impacts analysis in the Draft EIS/EIR (see Table 3.1-3). In addition, the Greystone report estimates total groundwater recharge to be approximately 16,600 ac-ft/yr in 1994, which is more than 4,000 ac-ft more than the estimate in the Draft EIS/EIR (see Section 3.1.1.2 [page 3.1-10]).

(c) The water-level impacts presented in the Greystone report are more severe than the Draft EIS/EIR because the Greystone report concerns the ECEC project, which will consume more water than the proposed landfill project. There is nothing in the Greystone report that contradicts the conclusions drawn in the Draft EIS/EIR regarding the lack of a significant environmental impact associated with groundwater use for the proposed landfill project.

Diversion of drainage from the East Pit will affect recharge. The DEIS/EIR states that a decrease in precipitation percolation will result in the alluvium - What percent decrease will there be? We have had a drought situation for the last four years. What affect will be on the amount of recharge to the aquifer through direct infiltration ? Also, other basins will be affected. What is the amount of decrease of inflow to other basins? We cannot afford to live without water for a couple weeks, much less several years ! 18

(d) The Greystone report does not confirm that aquifer depletion in ongoing, based on the information presented in Table 7 of that report.

Response to Comment 195-18

In Section 4.1.3.1 (page 4.1-31) of the Draft EIS/EIR it is stated: "...the sources of water that are currently available for recharge will remain available for infiltration under the proposed Project; therefore, overall groundwater recharge will not be affected by the reduction in infiltration area." These sources of water include the diversion of drainage from the East Pit.

As stated in Section 4.1.3.1 (page 4.1-31), within the Project site (i.e., the boundaries of the specific plan), there will be no reduction in recharge through the alluvium because all water will be diverted to one of six unlined detention basins, which will facilitate infiltration. In addition, "[o]utside the Project site, on the floor of the Chuckwalla Basin, the only Project feature to consider in this regard [reduction of infiltration through the alluvium] is the extension of Eagle Mountain Road. The road extension will cover approximately 18 acres overlying the Chuckwalla aquifer, and runoff from the road will not be directed to a detention basin. However, because there is effectively no natural recharge to the Chuckwalla aquifer through the floor of the Chuckwalla Basin (see Section 3.1.1.2; Appendix C-1), the road extension will not affect groundwater recharge."

Precipitation data from Eagle Mountain over the last 4 years indicate that the area has not been in drought over the last 4 years. In Section 4.1.2.1 (page 4.1-6) of the Draft EIS/EIR the average annual rainfall is stated to be 3.5 inches per year. Eagle Mountain precipitation data compiled by the Riverside County Flood Control District indicate that rainfall has averaged 5.95 inches between 1992 and 1995 (the most recent 4-year period for which complete data are available). As a result, precipitation at Eagle Mountain has actually averaged above normal by more than 2 inches per year over the last 4 years.

The effect of the precipitation pattern over the last 4 years is negligible primarily because "[t]he amount of direct precipitation that reaches the water table of the Chuckwalla aquifer is very small" (see Section 3.1.1.2 (page 3.1-10 of the Draft EIS/EIR).

Notice of Preparation: The NOP for this project is misleading and fraudulent. There are no valid permits for this dump. The only way agencies may issue permits is visa vie an adequate and Certified EIS/EIR. This project was not even in existence for 18 months after the Board of Supervisors rescinded all approvals. We request that the FEIS/EIR include letters from the agencies stating that you currently have valid permits. You may recall, we took this issue to court. The Court ruled that it is premature to rule on the issue, and that the Board of Supervisors must first approved the FEIS/EIR before we can bring it up in Court again. We did not prejudice ourselves on this issue. If any Agency maintains the contention that their permits are still valid, they will have to defend that position in Court. Further, with regards to permits, we attach the following. 19

1. May 24, 1995 letter to the Charpied's from the Regional Water Quality Control Board. This letter, in response to our request to rescind the previous permits after we won in Court, says the permits have not been rescinded. What the Regional Board did not know was, that we submitted and same request with supporting documentation to their "Boss" in Sacramento, and on the very same day in our PO Box was the below attached letter.
2. May 24, 1995 letter to Ms. Jane B. Kroesche and Mr. Richard Marsh, from the State Water Resources Control Board. It states in part, "...the effectiveness of Order No. 94-036 cannot survive the County's rescission of the FEIR/EIS...". It must have taken some mighty fine greasing of the skids, to get the Regional Board in your pockets, as it appears here, the way you do ! Perhaps we can supply you with some jojoba oil in the future to help you slip through the cracks !

3. Letter dated September 2, 1996 from Charpied's to Julia Dougan, BLM, regarding the US Fish & Wildlife Service Section 7 Consultation. We include this in our comments because we want answers to these questions, and figured Julia would just ignore them otherwise
4. September 3, 1996 letter to Secretary Babbitt from Charpied's clearly explaining why the above mentioned Section 7 Consultation must by law be re-initiated. (Julia was provided a copy of that, too).

The Court ordered a New EIS/EIR based on adequate information. The DEIS/EIR refers to many former documents which were deemed inadequate and needed supplemental information before new permits could be issued. The Court does not want to rely on Agencies outside of the County, but said the EIS/EIR must contain the information necessary to make an educated decision. Again you have left out seismic/slope stability/liner integrity & containment system performance, and only regurgitate the old unfounded information with no new data backing it up. Please list and reference all the new information acquired after the California Water Resources Control Board letter of May 24, 1995 (listed above). The letter states in part, "...discharger Mine Reclamation Corporation, would have to provide the CRBRWQCB with a new or supplementary report...that complies with CEQA before the CRBRWQCB could adopt, amend, or reissue...". 20

The precipitation pattern at Eagle Mountain is probably similar to precipitation patterns across the Chuckwalla Basin and in the other adjacent groundwater basins (e.g., Pinto and Orocopia). Accordingly, a general increase in average annual precipitation over the last 4 years in these areas would translate into more water available for recharge, and, in turn, potentially greater flow into the Chuckwalla Basin.

Response to Comment 195-19

Please see Response to Comment 18-29, which is a response to the commenters testimony during the public comment hearings.

Comment 195-20

(a) A large body of additional data, analyses, and landfill design information concerning all of the topics identified in the comment has been developed for the Project since the certification of the previous EIS/EIR in November 1992. For example, the additional data, analyses, and information regarding seismicity and seismic stability are listed in the response to Comment 17-40. Most of these data and analyses was available for, and was used in, the preparation of the ROWD. All of these data and analyses were used in the preparation of the Draft EIS/EIR. All of this information will be available to the RWQCB when the Waste Discharge Requirements (WDRs) issued in May 1994 are reconsidered.

Please see also General Response 6.

Containment system: Action leakage rates of HDPE liners as determined by Bonaparte for the US EPA, and confirmed by Bonaparte during the Board Of Supervisors hearing, is 21 gallons per acre per day	b

(b) The active leakage rate cited in the comment is based on a study that concludes that for the case of double-liner systems having a top liner composed of only a geomembrane (i.e., not a composite liner) and installed with third-party construction quality assurance program, the rate of leakage through the geomembrane top liner and into the leakage detection layer was typically less than 21 gal/acre/day (200 liters/hectare/day) [Bonaparte and Gross; 1990, full reference given below]. This leakage rate is not applicable to the Eagle Mountain landfill because the liner system design does not rely solely on a geomembrane to prevent leakage. Specifically, the individual components of the composite liner (i.e., the HDPE geomembrane and underlying 2-foot-thick, compacted, low-permeability soil layer) have complementary physical and hydraulic properties. These complementary properties result in a combined geomembrane and low-permeability soil liner which has a leakage potential hundreds of times smaller than that of the geomembrane alone. Leakage potential is then further reduced by the installation of a second composite liner below the unsaturated zone monitoring layer. In addition, a third composite liner will be installed under the leachate collection and removal system sumps, which are the low points to which any leachate will flow. See also Response to Comments 17-10 and 20-36.

(Bonaparte, R. and Gross, B.A., "Field Behavior of Double-Lined Systems," Proceedings of Symposium on Waste Containment Systems: Construction, Regulation, and Performance, San Francisco, November 1990, published as ASCE Special Geotechnical Publication No. 26, pp. 52-83.)

Landfill leachate and clogging of filter pipes is discussed in a study by Drexel Institute in Pennsylvania and concludes; All types of filters (soil or geotextile) eventually reach a terminal flow rate value	c

(c) The studies performed at Drexel University regarding the potential for clogging of leachate collection and removal systems (LCRSs) were considered during design. The LCRS system design is summarized in Section 2.1.5.2 and Appendix C-3 of the Draft EIS/EIR and more detailed discussion of the design is provided in Section 6.5 of the ROWD. It is noted that Appendix C-3 cites several relevant technical publications prepared by Professors R. Koerner and G. Koerner of the Geosynthetic Research Institute at Drexel University. Furthermore, Professor Koerner was a member of the Expert Technical Advisors Panel that reviewed and endorsed the Eagle Mountain Landfill design. A discussion of design features of the LCRS that minimize the potential for clogging is provided in Response to

Mr Bob Landreth, US EPA confirmed that leachate generation of 1,000,000 gallons from one single thunderstorm incident, on the open working face of the dump And, the California Integrated Waste management Board estimates 28,000 gallons of leachate will be generated per day

d

The containment system leaks inherently, the leachate collection systems fail over time, and leachate will be generated for 100's of years to come This leachate will eventually find its way to the groundwater through the porous medium below the site. How will you stop this ? How will you remediate leachate and gas collection systems when they clog ? Both Drexel Institute and the US EPA containment study by Bonaparte are in the previous Administrative Record, and we fully incorporate them by reference herein

e

Comment 21-35. See also the discussion of the groundwater protection system in General Response 5.

(d) The information in Section 4.1.2.1 of the Draft EIS/EIR regarding leachate generation and leachate collection and removal system (LCRS) design is consistent with the information mentioned by the commenter. With respect to the first component of the comment regarding intermittent leachate generation during rain storms occurring during waste placement operations, the quantity of 1 million gallons attributed to in the comment to U.S. EPA personnel is unrealistically large because it appears to have been calculated based on a working waste face of approximately 10 acres, rather than the maximum value of 2 acres that will be the active working face at landfill (Section 2 of the Draft EIS/EIR). With respect to the second component of the comment regarding leachate generation, even though no such leachate generation is expected, the LCRS has been conservatively designed assuming a daily leachate generation rate of 13 gallons per acre. This assumed rate corresponds to 28,040 gallons per day when applied to the entire landfill footprint area of 2,164 acres. Therefore, the value of more than 28,000 gallons per day attributed to the California Integrated Waste Management Board (CIWMB) is consistent with that used for the LCRS design. Additional discussion of the issues identified by the commenter is provided in the Response to Comment 20-37. See also General Comment 5. Please note that CIWMB, in their comment letter (Comment Letter 5), indicates that any concerns they previously had with regard to this issue have been addressed in this Draft EIS/EIR.

(e) The landfill design described in Section 2.1.5 and Appendix C-3 of the Draft EIS/EIR includes multiple redundant and complementary systems to prevent landfill impacts on groundwater quality. These systems include the following: (i) liner system; (ii) leachate collection and removal system; (iii) unsaturated zone liquid and gas monitoring systems; (iv) final cover system; (v) active gas extraction system; (vi) groundwater monitoring system; and (vii) surface-water monitoring system. The effectiveness of these systems will be further enhanced by the arid site conditions which will result in negligible long-term leachate generation, as described in Section 4.1.2.1 and Appendices C-3 and C-5 of the Draft EIS/EIR. In addition, landfill operational practices, including closure and post-closure maintenance activities, will be conducted, as described in Sections 2.1.7 and 2.1.9 of the Draft EIS/EIR, in a

Dr. Hamm stated that he is experienced with the East Coast environment and leachate generation there. He further exclaimed that this is his first time to be involved in an arid climate. Therefore, his conclusions are merely speculation, at best, and serve only to promote the proposal, not critically analyze it.

manner to further minimize the potential for leachate generation. The combined influence of the design features, arid site conditions, and operational practices will result in a facility that is fully capable of protecting the groundwater in the vicinity of the landfill.

With respect to the comment regarding remediation of the leachate and gas collection systems if clogging occurs, it is noted that the LCRS sumps have been designed so that they can be flushed to remove sediment and other matter, if ever necessary. Any gas collection wells exhibiting signs of lost collection efficiency can be repaired with equipment operating from the landfill surface or replaced by new wells. These operational activities are standard procedures at modern municipal solid waste landfills. See also the Response to Comment 36-3.

See the discussion of groundwater protection systems in General Response 5.

(f) Dr. Ham, a professor at the University of Wisconsin, is one of the world's leading authorities on the generation of leachate by landfills. His study considered relevant information on leachate and gas generation in desert climates. In addition, the study presented leachate and gas generation calculations from models that are based on physical and chemical laws that are applicable regardless of the climate of the site. The comment that the study is speculative is therefore unsupported.

It is also noted that the results of Dr. Ham's study are consistent with leachate generation calculations performed using the U.S. EPA's "HELP" computer model, as reported in Section 4.5.3 and Appendix A of the ROWD. The results of both Dr. Ham's study and the "HELP" calculations are consistent with information found elsewhere. For example, in Section IV.A of the preamble to U.S. EPA's recently promulgated municipal solid waste regulations (56 FR 50991), the agency stated: "These data indicate that little leachate is generated in areas where the precipitation does not exceed 25 inches annually, which suggests that precipitation is an indication of the potential for a landfill to contaminate ground water." Similarly, Keenan ("Landfill Leachate Management," Journal of Resource Management and Technology, Volume 14, No. 3, pp 177-180. 1986.) stated: "In general landfills receiving at least 750 mm rainfall are expected to eventually produce leachate. In more arid regions

Haxo and Haxo state that HDPE used as a landfill liner has a much shorter life span - less than hundreds of years, to as little as 15 years, due to mechanical and chemical stresses caused by garbage. Why won't yours fail ? g

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Dr. G Fred Lee and Associates placed many documents into the first public record. We fully incorporate all issues and references in the documents in relation to the Eagle Mountain containment and monitoring system, and how & why Eagle Mountain avoids or mitigates the technical flaws that are described. h

Slope Stability: Again, we see no new seismic data to substantiate any of your claims of compliance or proof of compliance. The slopes at the site are inherently unstable. Why has the USGS not been involved in this project? Remember, the USGS told us the Blue Cut Fault was active, and you denied it. Why has the California Institute of Technology not been involved to derive seismic data? We attach the following with regards to slope stability: i

receiving less than approximately 325 mm rainfall, landfills may never produce leachate because the combined effects of run-off evaporation, and evapotranspiration will be so great as to yield zero net infiltration." These statements indicate that for the Eagle Mountain Landfill, where the annual rainfall is less than 4 in. (100 mm), little or no leachate will be produced.

(g) The liner system design presented in the Draft EIS/EIR considers the potential effects of combined mechanical and chemical stresses on the HDPE geomembrane. The Draft EIS/EIR states, in Section 4.1.2.1, that studies have concluded that the service life of an HDPE geomembrane in a properly designed and constructed municipal solid waste landfill is expected to exceed the time period in which leachate and gas would be produced. Moreover, the landfill design does not rely solely on the integrity of the HDPE geomembrane to provide long-term protection of the groundwater. This integrity is just one factor that affects the long-term effectiveness of the landfill containment systems. Other major factors include the arid site conditions (which will result in negligible long-term leachate production), the design of the final cover system and its ability to be maintained, and the use of soil materials with negligible long-term degradation potential as a component of the composite liner systems. See also Response to Comment 20-32. See discussion of groundwater protection systems in General Response 5.

(h) Discussion of the issues raised by Dr. Lee is provided in Response to Comment 208.

(i) Neither Cal Tech nor the USGS perform seismic hazard assessments for private clients on a commercial basis. However, both institutions maintain networks of seismic recording stations in southern California. The seismic database on earthquakes from these networks is available to the general public and private industry. That database was accessed and incorporated in the earthquake analyses for the Project, the results of which are presented in the Appendices to the Draft EIS/EIR. For example, see Appendices H-1, H-2, and H-3. It should be noted that Professor Geoffrey Martin of the University of Southern California, under subcontract to GeoSyntec, was a major participant in the Eagle Mountain Landfill seismic hazard assessment performed during preparation of the ROWD. Professor Martin is also a member of the Technical Advisory Panel reviewing the landfill design. This panel has endorsed the landfill design as state-of-the-art. Furthermore, the

1. E/MJ: Engineering and Mining Journal (McGraw/Hill June 1967: "Kaiser's Eagle Mountain Project - From Pit To Premium Pellet". At page 5, it discusses 150 foot canyon filled with dirt and compacted with 100 ton trucks, settled 5 to 8 feet (approximately 5% settling). How will settling affect the intermediate and permanent covers and seals around gas & leachate wells and collection system components? | i

2. March 8, 1994 State Water Resource Control Board letter to the Eagle Mountain Energy Company. It states in part, on page 5, "...By 1991 approximately 50 to 70% of benches constructed in the bedrock of the East Pit have failed or are unstable...". How will you stabilize the bedrock, when it is inherently unstable? The NPS had four experts analyze the dump proposal (These are the experts on the video tape we requested you obtain to address their concerns). One of the conclusions made was the site is inappropriate because it is located in the alluvial fan system. The function of the system is for the mountain to crumble and contribute to the fan through deliverance of it's constituents by wind, water, and mechanical erosion. How will you prevent the natural breakdown of the site, that has been on-going for centuries? | k

seismic hazard assessment was reviewed by engineers from the California Department of Water Resources at the request of the CIWMB.

(j) The design of the final cover and gas extraction systems for the landfill accounts for the effect of total waste settlements of 15 to 25 percent as described in Section 12.4 of the ROWD. The total waste settlement is composed of primary and post-closure components, with the primary component likely to be in the range of 10 to 15 percent and the postclosure component likely to be in the range of 5 to 10 percent. These values exceed the 5 percent mentioned by the commenter. The design also accounts for long-term maintenance of the final cover as presented in Section 12.5 of the ROWD.

(k) The rock slopes at the site are not inherently unstable. With the appropriate engineering measures, the rock slopes at the site will meet and exceed all relevant federal and state criteria for slope stability. Stability of the slopes has been addressed thoroughly in the design of the landfill through the grading and site preparation details described in Section 6 of the ROWD. See Appendix B-5 of the Draft EIS/EIR, Construction Considerations. The design incorporates flattening the existing slopes and creating a soil buttress to stabilize slopes before construction of the landfill lining and groundwater protection systems. Ultimately, refuse will be placed against the slopes, further mitigating the potential for slopes instability.

Natural erosion of the Eagle Mountains, and for that matter of most of the Earth's land areas, referred to in the comment as "crumbling," is a process that generally occurs on a geologic time scale, over millions of years. For the rock slopes at the Project, this is an extremely slow process and, in general, is not substantial over the 100-year life of the Project or even over 1,000- or 10,000-year intervals. There is neither a need nor an intent to stop these slow natural processes from occurring in the Eagle Mountains. At the Project site, erosion processes on soil slopes will be controlled by controlling the rainfall run-on and runoff with conventional flood control systems and maintenance procedures. Alluvial fan deposits in the East Pit area have been removed by mining activities. The impact of the alluvial fan deposits in the west pit on suitability of the site as a landfill is addressed in the Draft EIS/EIR. In reference to the videotape, please see Response to Comment 195-27.

3. Waste Age April 1996 - This is a waste industry publication. It discusses the slope failure at a "state of the art" dump as being unknown. How can you prevent this? What physical actions will you take to prevent slope failure and liner shearing from the weight of the garbage that exceeds manufacture's load limit recommendations? | l

(l) The landfill design and foundation conditions at the landfill where the slope failure described in the article occurred, (i.e., the Hamilton County Landfill near Cincinnati, Ohio) differ greatly from those at the Project site. Specifically, investigations conducted by GeoSyntec Consultants after being retained to investigate the cause of the Hamilton County Landfill failure indicate that the portion of this facility where the slope failure took place is not a "state-of-the-art" landfill because it has been active for many decades. This "old" landfill was not engineered in any modern sense, and is not underlain by a liner system or a leachate collection system. The initial investigations regarding the Hamilton County Landfill also indicate that waste was placed directly on foundation materials (clay shales) that weaken significantly upon wetting or when subjected to shear displacements. No such foundation materials are present at the Eagle Mountain Landfill site. Due to these substantive differences in landfill design and foundation conditions, there is no possibility that a slope stability failure mechanism similar to that of Hamilton County Landfill could develop at the Eagle Mountain Landfill.

Seismicity: Still no new data. Have you underestimated potential ground shaking at Eagle Mountain by selecting very conservative parameters on which to base your studies? Please explore random, non-fault specific events inside the site and estimate the PGA. What affect will a 6.75 event have on the liner with the epicenter at the site? | m

(m) The comment misunderstands the use of the terminology "conservative parameters" in the context of engineering analysis. The term conservative refers to the parameters in the analyses that result in the most adverse and highest levels of potential ground shaking possible. Thus, whenever conservative is used as an adjective, it is pointing out the fact that analysis is biased toward overestimating the potential ground shaking, rather than underestimating it.

The seismic analysis does consider non-fault specific seismic sources in the probabilistic seismic hazard analysis performed to assess the design earthquake in compliance with the prescriptive federal regulations, as stated in Appendix H-1 of the Draft EIS/EIR. The non-fault specific source that encompasses the Project site is assigned a maximum magnitude of 6.75 based upon geological and tectonic evidence. The results of the probabilistic seismic hazard analysis indicate that the design earthquake is an earthquake with a peak horizontal ground acceleration with a 10 percent probability of being exceeded in 250 years of 0.56 g that is attributable to either: (i) an earthquake directly beneath the site of magnitude 6 to 6.5 that is generated by the non-fault-specific seismic source; or (ii) a magnitude 7 to 7.5 event generated by the Blue Cut fault. Thus, the magnitude 6 to 6.5 local non-fault specific (i.e. random) event weighs equally with the Blue Cut fault in the

Your deformation estimates are very low compared to other dumps. This will have much more distance and more variation in compaction - Your permanent deformation will be greater; How much? Why? Why is your project not subject to the same laws of physics as the rest of the world? | n

results of the seismic shaking analysis. The analysis provides no basis for assigning a magnitude 6.75 event to an earthquake with an epicenter directly beneath the site. Considering that the random source used in the analysis is hypothetical with no evidence its existence, despite significant site specific geologic information, consideration of a magnitude 6 to 6.5 non-fault specific event generated directly beneath the site in the analysis is very conservative.

(n) The basis of the comment's statement that the seismic deformation estimates for the landfill site are low compared to other landfills is not clear. The seismic deformation analysis results pertain to the permanent seismic deformation that accumulates at the interface between the liner system and the landfill mass during the design earthquake. Current standards of landfill engineering practice are to design the landfill for up to 12 inches of permanent seismic deformation at this interface (Seed and Bonaparte, 1992: Anderson and Kavazanjian, 1995). The results of the seismic deformation analysis for the Project, presented in Appendix H-1, indicate that up to 12 inches of deformation could occur during the maximum design earthquake defined by the prescriptive Subtitle D design requirements and by the California design requirements. This is consistent with deformations calculated for design of other landfills subject to the same regulations and design standards. The estimated deformation is also within the limits of deformation observed at other landfills subject to the extreme ground shaking that resulted from the Northridge earthquake. The Draft EIS/EIR summarizes the case histories of landfill performance in southern California in Appendix H-2, Assessment of Landfill Performance in Recent Earthquakes.

It appears that the comment may be confusing the potential permanent deformation at the waste-liner interface from earthquake shaking with waste compaction, or settlement, due to long-term decay of organic materials within the landfill. This settlement of the landfill waste mass (long-term deformation) will have a magnitude larger than the seismic deformation reported above and is not related to earthquake shaking. This settlement is considered in the design of the landfill facility. The laws of physics apply to both phenomena equally as they do in the analyses of the same phenomena at other landfills. Please see General Response 5.

How will horizontal deformation be mitigated? All pipes, gas and leachate collection systems will be sheared fully or partially. Leakage and complete stoppage will occur. What analytical method will be used to determine the extent of damage? How will gravel filled canals be inspected to prove that no restrictions in flow exist? o

Anderson, D. G., and E. Kavazanjian, Jr. "Performance of Landfills Under Seismic Loading." Proceedings of the Third International Conference on Recent Advances in Geotechnical Earthwork Engineering and Soil Dynamics, University of Missouri, Rolla, Missouri. April 1995.

Seed, R. B. and R. Bonaparte. "Seismic Analysis and Design of Lined Waste Fills: Current Practice." *Proceedings, Stability and Performance of Slopes and Embankments—II.* Geotechnical Special Publications No. 31, ASCE, 1992, pp. 1521-1545.

(o) The effect of seismic deformations on components of the gas collection system and the LCRS is addressed in the design of these systems by using flexible materials and connections and by limiting permanent calculated displacements to acceptable levels. Specifically, as summarized in Section 6.1.3 of Appendix H-1 of the Draft EIS/EIR, calculated permanent seismic displacements for the design seismic events are less than 12 in (300 mm) and engineered components of the landfill systems are designed to accommodate ground motions and the calculated levels of permanent displacement without loss of serviceability. The pipes used in the gas collection system and the LCRS will be made of HDPE, which is flexible relative to most conventional engineering materials. Gravel-filled channels are also flexible structures that are capable of maintaining flow paths under large imposed displacements. It is noted that the approach described above has been used in the design of other solid waste landfill facilities that have exhibited excellent performance in recent California earthquakes, as described in Appendix H-2 of the Draft EIS/EIR.

What physical barriers, berms, techniques, and engineering methods will you use to stabilize the liner to the slopes? Where will these measures be employed in the design and construction of the liner? p

(p) The design of the liner system in side slope areas includes a number of features to provide adequate stability, as described in Section 2.1.5.1 of the Draft EIS/EIR, Sections 8.5 and 8.6 of the ROWD, and Section 14.4 of ROWD Supplemental Volume 1. These features include the use of permanent benches with a specific design geometry in the side slope areas and the use of differing geosynthetic components in the liner system in sloping and flat areas.

Construction of the liner system in side slope areas will be performed in a specific sequence to maintain adequate stability at all times during construction, as described in Appendix C-3 of the Draft EIS/EIR and in

We fully incorporate herein, by reference, all previous seismic data collected by CCV, from Cal Tech, verified by County Staff to be accurate and legitimate, and made part of the first public record. We also incorporate the information submitted by Dr. James Toenjes regarding 13 epicenters in the dump's footprint, as though fully contained herein. We attach the following documentation: q

1. Bulletin of the Seismological Society of America Vol. 85 No. 2, pages 379–439, April 1995 Attached pages 379 and 405 clearly define the Eagle Mountain site as containing diverse or hidden faults. Each zone is assumed to have randomly distributed earthquakes. After several years of pleading with MRC, the County, and BLM to address this issue, we now demand that you address it! r

Section 8.5 of the ROWD. A detailed step-by-step procedure for installation of the side slope liner system is presented on ROWD Drawing Nos. 28 through 34. This procedure is applicable to steep canyon side slopes and the steep slopes present in the East Pit. It is noted that the steps in this procedure for side slope liner system construction have been used to varying degrees for liner system construction at existing landfills in the greater Los Angeles area, including Lopez Canyon Landfill, Puente Hills Landfill, Azusa Landfill, and Bradley West Landfill.

(q) The information referenced in the comment has been thoroughly reviewed and all sources of seismic data available, as stated in Response to Comment 195-20(i), has been incorporated. The epicenters in the Eagle Mountain area on the plot of epicenters provided by Dr. Toenjes are attributable to blasting associated with mining operations. No large earthquakes (magnitude greater than 4.0) have been located within 9 km of the Eagle Mountain Landfill site and no earthquakes of any magnitude have been attributed to any fault at the site. Despite this fact, the seismic analyses conducted for the Eagle Mountain Project include a random, non-fault specific earthquake source at the site, taking into account the chance that local epicenters might represent as yet unknown seismic sources. The seismic information is summarized in Appendix H-1 of the Draft EIS/EIR.

(r) The comment's demands with respect to incorporating the information contained in the BSSA article have already been met. The fault activity database outlined in the BSSA article and the methodology for probabilistic analyses of earthquake ground shaking detailed in the article are the same database and methodology used in the seismic evaluation for the Eagle Mountain site. Moreover, site-specific information on the Blue Cut fault and a random seismic source within the southeast Transverse Ranges (SETR) seismotectonic province (which includes the Eagle Mountains) were incorporated in the analysis to provide more conservative (i.e., larger, more severe ground shaking potential) results than the BSSA database alone would predict. While the BSSA report does not provide any demonstration of diverse or hidden faults at the Eagle Mountain site, the commenter's request for a diverse and hidden (random) earthquake source in the analysis has been answered through inclusion of the random SETR source in the analysis. Refer to Appendix H-1 of the Draft EIS/EIR for the Seismic Information Summary Report.

Why do you use conservative G Force estimates, when the State and Federal laws require a design that would resist relatively high intensity forces? Show why maximum damage was used as the criteria and not the maximum horizontal acceleration. Why do you use conservative impact analysis for the World's largest dump? Maximum possibilities should be the criteria. PGA should be .63. Why use PGA which is smaller than what potentially is possible? How can you predict where ground slippage will occur? Will slippage vary with source, direction, and intensity of ground movement? Why not? s

The comment's reference to pages 379 and 405 of the BSSA article clearly defining the Eagle Mountain site as containing diverse or hidden faults is based on the article classification of the area as Zone C, the zone which encompasses all areas of southern California that remain after assigning Zones A and B to areas along known active faults. In other words, the article has assigned random earthquake sources and random earthquakes to the Zone C areas. This is consistent with the approach outlined in the Draft EIS/EIR, Appendix H-1, which assigns a random earthquake source to the Eagle Mountain site with a maximum magnitude of 6.75.

(s) The comment has misinterpreted the meaning of the term "conservative" in the context of engineering design. The use in the Draft EIS/EIR of the term "conservative" with respect to g forces refers to analyses biased towards upper bound estimates of the peak ground acceleration at the site and does not imply the use of minimum, or lower bound, values. The landfill has been designed to resist high intensity g forces evaluated in a conservative manner in compliance with state and federal regulations, as described in Appendix H-1 of the Draft EIS/EIR.

As the comment notes, the criteria of maximum damage is used to determine the design basis earthquake in compliance with state regulations, rather that just the maximum horizontal peak ground acceleration as called for in the federal regulations. In this respect, the state regulations have the potential to be more protective than federal regulations. This is because peak ground acceleration is only one of the parameters needed to characterize the damage potential of earthquake ground motions at a particular site. For example, small magnitude local earthquakes and explosive blasts during mining may both generate extremely high peak ground accelerations. However, neither event may be as damaging to a landfill as a large, distant earthquake with a lower peak ground acceleration. Local ground accelerations measured near explosive blasts can exceed 20 g. However, such an extremely high ground acceleration, which is never even approached during an earthquake, is a very short duration pulse that attenuates (diminishes) rapidly with greater distance from the blast. Likewise, small magnitude local earthquakes may generate only a single high acceleration pulse. If the duration of the shaking is longer than a single pulse, ground motion from a larger, more distant earthquake can cause greater damage even if the acceleration is less. The thorough seismic analysis done for the

Project site included not only the maximum horizontal ground acceleration evaluated in accordance with federal regulations, but also the maximum earthquake with the maximum damage potential evaluated in accordance with state regulations.

The basis of the comment's assertion that a maximum horizontal acceleration used in the seismic analyses should be 0.63 g is unknown and without merit. Detailed analyses of the maximum PGA were completed in accordance with federal regulation, employing all available geologic data, recurrence information of earthquakes and all available seismicity catalogs. The results are reported in the Draft EIS/EIR within Appendix H. The PGA with a 10 percent probability of not being exceeded in 250 years for the site is 0.56 g based on the available data. A PGA of 0.63 is inconsistent with the data and with the regulatory standards set forth by law.

It is assumed that "ground slippage" referred to in the comment is the permanent seismic deformation that accumulates at the liner/waste interface. The engineering analyses used to evaluate this deformation are summarized in Appendix H-1 of the Draft EIS/EIR and are described in detail in the ROWD. This deformation will vary depending on the source, direction, and ground motion intensity. This condition has been considered in the analysis by assuming "worst case" conditions wherein the maximum intensity of ground shaking is aligned along the "path of least resistance," i.e., in the direction that will generate the maximum deformation of the waste mass. Thus, the permanent seismic deformation calculated in the analyses cited in the Draft EIS/EIR are conservative, upper bound, worst-case values.

The DEIS/EIR says from 2.6 inch to 6 inch deformation over 1,400 ft. All studies conducted on 150 ft. approximates 10% - all deformation figures should be multiplied by 10, or 26 to 60 inches. Why not? | t

(t) The 1,400 feet represents the maximum difference in elevation between the toe and crest of the waste slopes proposed for the Project. However, the maximum thickness of a vertical column of waste on these proposed slopes is approximately 700 feet and the waste thickness over the majority of the landfill is on the order of 300 feet. Analyses of the permanent seismic deformation in the design earthquake at the liner/waste interface were conducted using the equivalent-linear computer program SHAKE of 50-,150-, and 300-ft thick vertical columns of waste. Vertical columns of waste thicker than 300 ft were not analyzed because, as discussed by Bray et al. (1995), increasing the waste thickness above 300 ft will reduce the seismic load on the base liner and reduce the calculated permanent seismic deformations.

Therefore, the maximum deformation calculated for the 50-, 150-, and 300-ft waste columns represents the maximum anticipated permanent seismic deformation and no scaling of the results is required.

A limited number of seismic deformation analyses were performed on 150-ft columns of waste using the non-linear computer program DMOD. The purpose of these analyses was to demonstrate the conservatism inherent in the use of the equivalent-linear computer program SHAKE for design. Results of the analyses showed that the calculated deformation using DMOD was 2.6 in. when use of SHAKE yielded a deformation of 6 in. As the SHAKE analyses were used as the basis for design, it was not considered necessary to perform any additional DMOD analyses once the SHAKE analyses were demonstrated to be conservative.

How did you determine that all faults and geologic structures were created at the same time? | u

(u) The Draft EIS/EIR does not state that all of the faults and geologic structures were created at the same time. The geologic history described in the Draft EIS/EIR and accompanying appendices spans approximately 250 million years during which numerous different tectonic episodes occurred causing different patterns of geologic structure and faults to be superimposed. The uniqueness of the Project site is that the structures and faults have been stable compared to most of Southern California, with little apparent tectonic deformation in the past 100 million years. The Draft EIS/EIR demonstrates with evidence of lack of displacement (unfaulted alluvium and intrusive dikes) that the faults on the site and the nearest faults to the site have been inactive at least for the past 40,000 years and possibly for as long as 100 million years. The closest fault to the site displaying any potential for activity within the past 40,000 years, but not within the past 10,000 years, is the eastern segment of the Blue Cut fault located approximately 6 km from the site.

The DEIS/EIR shows the project surrounded by active faults, and also show many unnamed little or subsurface faults. Why were these unnamed, subsurface faults ignored as to their potential for seismic impact? The Seismology Bulletin we discussed above states that clearly northwest trending, strike-slip faults are important sources of large - magnitude earthquakes. | v

(v) No faults surrounding the site were ignored in the seismic analysis of the site. The seismic hazard analysis described in Appendices H-1 and H-4 considered all of the faults in the site vicinity and more distant faults that are large and capable of generating earthquakes large enough to be considered a contributor to strong ground shaking at the site. The Draft EIS/EIR does not show the site "surrounded" by active faults. To the contrary, Figure 3a in Appendix H-1 of the Draft EIS/EIR shows that the nearest faults to the site known to have experienced displacement in Holocene time are the San

Andreas and Mesquite Lake faults approximately 30 miles (50 km) from the site. The seismic hazard analysis presented in Appendix H-1 considers explicitly only those faults that are active or potentially active; otherwise they are not listed and not considered explicitly in the seismic analysis. However, the site is included in a random earthquake zone with a maximum magnitude of 6.75, despite the fact that subsurface faults are unknown at the site.

The BSSA article does refer to major faults that are northwest trending in southern California as important sources of large-magnitude earthquakes. This is a true generalization, but in order for a fault to be able to generate a large earthquake, it must be a large (i.e., long northwest-trending fault) fault. The faults that trend northwest across the site are short and are inactive and do not fit the BSSA general statement. Long northwest-trending faults are not typical of the Southeast Transverse Ranges (SETR). The large active faults within the SETR trend east-west. The distance that the northwest-trending faults are from the site diminishes the significance of such structures in the seismic analysis because ground motions attenuate with increased distance. The closest significant large northwest-trending fault to the site is the San Andreas fault, which is 33 miles (53 km) from the site at its closest approach.

Because of the web-like nature of faulting and activity along the San Andreas & the Eastern Mojave segment Southeast Transverse Ranges, Pinto Mountains, and Blue Cut Fault, it is commonly accepted that earthquakes generated on a specific fault can generate earthquakes on other separate known and unknown faults. A predictable maximum earthquake generated elsewhere and causing the Blue Cut to slip, would be larger than the 7.5 maximum that you have predicted. Please analyze the potential of a large Blue Cut event and the potential from an unknown site specific earthquake. w

(w) It is true that a very large earthquake on one fault could occasionally trigger another earthquake on a separate fault. This occurred during the Landers earthquake sequence, when the magnitude 7.5 Landers earthquake was followed by the magnitude 6.5 Big Bear earthquake on a separate unmapped fault. Typically, the triggered earthquake is smaller in magnitude than the main earthquake. The Landers/Big Bear sequence conformed to this general pattern. If the same example is applied to a large earthquake triggering an earthquake on the Blue Cut fault, the Blue Cut fault would experience an earthquake smaller, not larger that the triggering earthquake. Therefore, it would take an earthquake greater than magnitude 7.5 to trigger a magnitude 7.5 event on the Blue Cut fault. The only seismic source considered in the seismic hazard analysis as capable of generating an earthquake of greater than magnitude 7.5 is the San Andreas fault. Because the impact on the liner system of a large magnitude event on the San Andreas fault was shown to be negligible in the seismic impact analysis, the combined impact of a large magnitude San Andreas event and a triggered Blue Cut fault event is no different than the impact of a Blue Cut Fault event alone, and this impact was addressed in the seismic hazard analysis.

If the Blue Cut fault is assumed to be the triggering fault and an unmapped fault underlying the site is triggered to generate another earthquake, the Landers/Big Bear model could conceivably be applied, i.e., if a magnitude 7 to 7.5 earthquake on the Blue Cut fault might conceivably trigger a magnitude 6 to 6.5 earthquake at the site on a postulated unknown fault. The seismic analyses of the Eagle Mountain site considers both a magnitude 7 to 7.5 earthquake on the Blue Cut fault and a magnitude 6 to 6.5 earthquake on an unidentified fault directly beneath the site individually, in accordance with the applicable regulatory standards. However, both of these individual events are extremely unlikely and the probability of both events occurring in sequence is virtually nonexistent and, therefore, was not considered in the seismic impact analysis.

Blind thrust faults are present and difficult to predict. How have you addressed the potential impacts of a blind thrust fault? A 7.3 is possible. You need to reanalyze all of the modeling with this potential in mind. Blind thrust faults demonstrate importance as hazards. There is much uncertainty of the extent, geometry, depth, and origin. Show how you have resolved these issues. x

(x) The existence of blind thrusts has been postulated in the most highly active tectonic areas of Southern California, far west of, but not in the vicinity of the Project site. The BSSA article cited previously in the comment shows the areas where the blind thrusts are suspected to exist in the subsurface of southern California. The SETR is not included in the areas suspected of containing blind thrusts. In spite of the lack of geologic evidence of their existence, the seismic analysis conducted for the Project site has allowed for a random "blind" earthquake at the site, thus taking into consideration the possibility of an unmapped fault (blind thrust) beneath the site. Although the BSSA article indicates that thrust ramps in the Los Angeles area might be capable of a magnitude 7.3 earthquake, no data exist to support an earthquake as large as magnitude 7.3 in the SETR. Based upon the available geological data, a maximum magnitude of 6.75 was assumed for the SETR random event.

Previous modeling shows the Palos Verdes fault inaccurately in origin, direction, and connections to other faults. Also Whittier was classified as inactive and now is classified as a major active strike-slip fault. How can you guarantee that the same flaws won't reoccur in your modeling? y

(y) The basis for the statement that the Palos Verdes and Whittier faults were modeled inaccurately in previous analyses is unclear. The seismic hazard analysis presented in the Draft EIS/EIR is based upon the present state of knowledge, with a bias towards a conservative (upper bound) assessment of the intensity of ground motions at the Project site. For instance, the Blue Cut fault was assumed to be active even though specific studies of the fault conducted for this Project found evidence to classify it as only potentially active (not active within the past 10,000 years) according to State criteria. Also, the seismic hazard model includes a random earthquake source (blind thrust fault) that is assumed to exists directly beneath the site. By assuming the worst-case scenario for regional faults and local earthquake sources, the seismic hazard analysis considers the most extreme possibilities for future earthquakes that might impact the site based upon the current state of knowledge.

Again, we see Northridge, with a displacement of 1.5m to 3.5m, that the causative fault was not previously mapped. Landers, which unlike Northridge, ruptured the surface, contain many previously unmapped faults. No evidence before showed this group would produce such large earthquakes. Why was an integrated Approach for Assessing Potential Earthquakes not used ? z

(z) The seismic hazard analysis for the landfill site did use an integrated approach for assessing potential earthquakes, utilizing satellite imagery, aerial photographs, aerial reconnaissance, ground mapping, trench excavations across faults, seismology, geology, age dating by chronostratigraphic soil morphology, radiometric age dating of rock formations, published and unpublished data sources, USGS and Cal Tech earthquake catalogs, the findings by Working Group on California Earthquake Probabilities, and the latest approaches for conducting probabilistic earthquake hazard assessments. Furthermore, the analysis considered the potential for earthquakes generated by unknown, unmapped faults. All of the findings and analytical methods were integrated to derive the final results of the Seismic Information Summary Report and other technical reports included in Appendix H of the Draft EIS/EIR.

It should be noted that the faults that the comment cites as not having been mapped have something in common that does not occur at the Project site. The Northridge and Landers earthquakes both occurred on faults in deep alluvial basins filled with young sediments, which conceal geologic structure and faults. Furthermore, while some of the small fault traces that appeared in the Landers earthquake had been concealed by alluvium, the main fault traces had all been mapped in the past and had been shown on maps published by geologists decades earlier. These small fault traces are incidental to the larger faults that ruptured. In the analysis presented in the

Implementing satellite technology, the rate of slip for the Blue Cut could be easily and cost effectively determined. Why has this not been done? ■■

Draft EIS/EIR, the Blue Cut fault is treated as analogous to the Landers earthquake faults; fault ruptures would be expected to appear along echelon fault segments that define the trend of the Blue Cut fault if a large earthquake occurred on the fault. The landfill site is underlain and surrounded by ancient bedrock that has not been cut by faulting except in a few places. With such extensive rock exposures, the smallest of faults are able to be seen on aerial photographs and in the field. The faults so identified have been investigated and found not to have been active for at least 40,000 years and for perhaps as long as 100 million years. Thus, the landfill site is very different than the locations where the Landers and Northridge earthquakes occurred because the bedrock exposures provide a unique opportunity to examine the deep geologic structure without concealment by alluvium.

(aa) (The basis for the comment that satellite technology could be easily and cost effectively implemented to determine the Blue Cut fault is not clear. Considering the low slip rate for the Blue Cut fault, it is questionable whether or not a satellite geodesy program would have provided any useful information even if it had been established at the start of the Project. Furthermore, as the earthquake time histories used to model the 0.56 g design earthquake in the seismic impact analysis presented in the Draft EIS/EIR include time histories from a magnitude 7.1 earthquake and as the peak ground acceleration from a magnitude 7.5 earthquake on the Blue Cut fault is only 0.48 g (see Appendix H-1, Table 1), the seismic impact analysis may be considered to have modeled the impact of a magnitude 7 to 7.5 maximum credible event on the Blue Cut fault. The magnitude of this maximum credible earthquake was evaluated on the basis of the length of the fault and not on the slip rate.

Little is known about accumulation at lesser faults. What have you done to increase this knowledge relative to Eagle Mountain? ab

(ab) As part of the seismic hazard analysis described in the Draft EIS/EIR, extensive geological and seismological studies were performed to increase the state of knowledge about the lesser faults in the vicinity of Eagle Mountain. These studies included micro-seismicity studies, aerial reconnaissance and aerial photo interpretation, field geologic reconnaissance mapping and geological trenching, potassium-argon age dating, and soil stratigraphic age assessments. These studies are described in the Draft EIS/EIR in Appendix H-1, "Seismic Information Summary Report," Appendix H-3, "Faults and Microseismicity Investigation and Conclusion, Proposed Eagle Mountain Landfill Site," Appendix H-4, "Summary of Information on the Absence of Holocene Fault Displacement," and Appendix H-5, "Geomorphic and Soil Stratigraphic Assessments, Alluvial Deposits, Proposed Eagle Mountain Landfill Site" and in the ROWD in Appendix D-3, "Probabilistic Seismic Hazard Analysis."

Models show strain release to the biggest faults is not consistent with recent geodetic data ! How will this affect small faults in the site area? ac

(ac) It is assumed that the commenter is referring to the observed discrepancy between geodetic measurements of the rate of convergence across the Los Angeles basin and the historic rate of strain release on the major faults in the basin. The small faults in the vicinity of the Project site are unaffected by this discrepancy as they are not within the zone over which this discrepancy occurs.

Cal Tech and the USGS put out a week earthquake report for the week of August 8 - 14, 1996. It states, "... Landers triggered activity as far away as Yellowstone...". Larger earthquakes will trigger activity on known as well as unknown faults. What cumulative affect will occur at the site? ad

(ad) A magnitude 6.5 earthquake directly beneath the site considered in the seismic impact analysis presented in the Draft EIS/EIR is a conservative representation of the most damaging earthquake that could occur at the site, regardless of whether it is triggered by a larger, more distant event or occurs independently of any other earthquake. The impact of a large, distant earthquake on the landfill may be represented by the magnitude 8.0 event on the San Andreas fault evaluated in the Draft EIS/EIR. As the magnitude 8.0 event on the San Andreas fault had a negligible impact on the liner and containment system, the cumulative impact of a large distant event and a triggered magnitude 6.5 event is the same as the impact of the magnitude 6.5 event alone.

After the Landers quake, a section of sidewalk at Eagle Mountain rose 12 inches. (Photo included in last public record). The sidewalks, door & window jams are constantly shifting and in need of repairs. This is because of the unstable ground. How will you stabilize a 2 layer sheet of plastic, when concrete and steel are easily shifted by the constant ground movement? ae

(ae) It is assumed that the comment about a sidewalk at "Eagle Mountain" refers to the Townsite. The ground movement referred to in the comment is due to either settlement of uncompacted or poorly compacted foundation soil or settlement or heave of unsuitable natural soils. Natural soils have been removed from the East Pit of the proposed landfill and any engineered fills placed beneath the landfill liner system will be composed of well compacted soil not susceptible to heave or collapse. See Appendix B.5 of the Draft EIS/EIR. Soils left in place beneath the liner system will be evaluated through a site-specific geotechnical investigation for settlement and or heave potential prior to liner system construction. If the potential for ground movements beneath the liner system is found to be unacceptable, appropriate remedial measures will be employed to reduce this potential to acceptable levels. Potential remedial measures include dynamic compaction and excavation and replacement of the unsuitable foundation soils. Also see Response to Comment 220-2(b).

Figure 4 does not show epicenters at the site with a Mag. 4 or less. It is predictable that the faults associated with 4m or less quake would produce a quake M 6.7 - 7.5. Discuss all potential impacts and identify mitigation measures. af

(af) It is highly unlikely that a fault that has the potential to generate magnitude 6.7 to 7.5 earthquakes has no evidence of surface displacements in Quaternary time (the past 1,800,000 years). Furthermore, evaluation of the map of earthquakes of magnitude smaller than 4 provided by the comment indicates that these small magnitude events were associated with blasting during mining operations and not with a seismogenic source. Despite the lack of evidence of a seismic source directly beneath the site, the seismic hazard analysis included a random seismic source beneath the site capable of a magnitude 6.75 earthquake and, based upon the results of the seismic hazard analysis, the seismic impact analysis did consider the impact of an earthquake with a maximum magnitude of 6.5 directly beneath the site. This is an extremely conservative assumption. The maximum magnitude of 6.75 used for the random source in the seismic hazard analysis was based upon historic information on non-fault specific "random" earthquakes within the Southeast Transverse Ranges seismo-tectonic province. There is no evidence to indicate that an earthquake of magnitude greater than 6.75 could be generated directly beneath the site. In fact, there is considerable evidence that there are no seismogenic sources at all beneath the site. Thus, the assumption of a random source capable of generating a magnitude 6.75 event beneath the site is already extremely conservative and a larger magnitude event need not be considered.

Please include field studies to show activity rates | ag

By removing fault specific data, you have skewed the results Remodel with all of the historical data available, as everyone else does! | ah

There is no figure 7 in DEIS/EIR to refer to | ai

Table 1 shows a potential 8.0 7 miles from the site What impacts would this create? | aj

(ag) Field studies used to determine fault activity rates are summarized in Sections 3 and 4 of Appendix H-1 of the Draft EIS/EIR. More detailed information on these studies can be found in Appendix D-3 of the ROWD, "Probabilistic Seismic Hazard Analysis," by Dr. G. R. Martin.

Response to Comment 195-20ah

(ah) All available historical data on regional and local seismicity was considered in the seismic hazard analysis. Fault-specific data were not removed from the analysis. However, when a fault was explicitly modeled in the analysis, the historical data associated with that particular fault was separated out from the data set before evaluating the activity rates assigned to the random earthquake sources for each seismo-tectonic province. Including the activity rates for explicitly-modeled faults in the evaluation of the activity rates for the random sources would result in double counting of the fault-specific data.

(ai) Figure 7 was inadvertently omitted from Appendix H-1 of the Draft EIS/EIR. However, the same figure is reproduced as Figure 5 of Appendix H-4 of the Draft EIS/EIR.

(aj) The only seismic source identified in Table 1 of Appendix H-1 as capable of generating a magnitude 8.0 earthquake is the San Andreas fault. The closest approach of the San Andreas fault to the site, as identified in Table 1, is 33 miles. The impact on the proposed landfill of a magnitude 8.0 earthquake at a distance of 33 miles from the site was considered in the seismic impact assessment presented in the Draft EIS/EIR.

How can you expect the public to believe that you have done an extensive study, when you state, "...Map shows a north-west rendering fault in the general vicinity of the landfill. It is probably the Bald Eagle...". Don't you know where Bald Eagle is? Do your maps have measuring scales on them? Obviously, this is another undisclosed fault for which seismic data must be generated. | ak

(ak) The location of the Bald Eagle fault is well established and is shown on Figure No. 6 of Appendix H-1, "Seismic Information Summary Report." The uncertainty cited in the above quote is due to the coarse scale and lack of documentation associated with the map in question, the California Division of Mines and Geology (CDMG) fault activity map (Jennings, 1994). The scale of the map is such that, while the northwest-southeast trending inactive fault shown in the general vicinity of the site is probably the Bald Eagle fault, it could also be Fault A or some other, off-site ancient feature of no significance to the seismic hazard assessment. Because the fault shown on the CDMG map is identified as having no evidence of displacement in Quaternary time, it is not identified by name on the map. There is no reason to believe that there are any undisclosed seismogenic features in the vicinity of the Project site of significance to the seismic hazard assessment.

You have limited the scope of potential active faults to enable you to underestimate potential affects. Remodel using more realistic (increased potential?) parameters. | al

(al) Fault activity parameters were based upon the best available information on geologic slip rates and historical seismicity, including the USGS and Cal Tech databases on micro-seismicity. Where assumptions were required with respect to fault activity in the seismic hazard assessment, the assumptions employed in the analysis were biased towards more conservative results (i.e., towards assumptions that yielded higher activity rates and a greater potential for strong ground shaking at the Project site.)

Lineament B - Show proof of data and studies to determine the non-seismogenic origin. | am

(am) Evidence of the non-seismogenic origin of Lineament B is discussed in the Draft EIS/EIR in Appendix H-3, "Faults and Microseismicity Investigation and Conclusion, Proposed Eagle Mountain Landfill Site." Primary evidence of Lineament B's non-seismogenic origin includes the lack of fault displacement in granitic outcrops crossed by Lineament B. Secondary evidence of Lineament B's non-seismogenic origin includes lack of disruption of old alluvial fan surfaces crossed by Lineament B, indicating that if Lineament B is a fault it is not Holocene-active.

Age of faults in DEIS/EIR are based on assumption not data. | an

(an) The comment that the age of faults in the Draft EIS/EIR is based on assumptions is not correct. The age of faults in the Draft EIS/EIR is based upon data from aerial photographs, field geologic reconnaissance and trenching, soil-stratigraphic age dating, and potassium-argon age dating. The interpretation of these data to determine how recent faulting has occurred at the site is described in the Draft EIS/EIR in Appendix H-3, "Faults and Microseismicity Investigation and Conclusion, Proposed Eagle Mountain

Landfill Site," Appendix H-4, "Summary of Information on the Absence of Holocene Fault Displacement," and Appendix H-5, "Geomorphic and Soil Stratigraphic Assessments, Alluvial Deposits, Proposed Eagle Mountain Landfill Site."

Why has there been no physical research conducted on the 7 geomorphic features at the site? | ao

(ao) The comment about the lack of physical research on the seven geomorphic features is not correct. Extensive physical research has been performed on the geomorphic features at the site as part of the seismic hazard evaluation. Physical research performed for the Project has included aerial reconnaissance and aerial photo interpretation, ground reconnaissance and field geologic mapping, trenching, potassium-argon age dating, and soil-stratigraphic age dating. This research is described in the Draft EIS/EIR in Appendix H-3, "Faults and Microseismicity Investigation and Conclusion, Proposed Eagle Mountain Landfill Site," Appendix H-4, "Summary of Information on the Absence of Holocene Fault Displacement," and Appendix H-5, "Geomorphic and Soil Stratigraphic Assessments, Alluvial Deposits, Proposed Eagle Mountain Landfill Site."

You don't expect larger than 5.5 without surface displacement. Northridge was 6.7 without displacement. Surely a 6.7 would be a more conservative parameter. You state damage will occur to the liner at 4.5. What will happen to the liner and containment system when a 6.7 hits? | ap

(ap) The Draft EIS/EIR states that earthquakes smaller than magnitude 5.5 often do not rupture the ground surface, not that earthquakes larger than magnitude 5.5 will always rupture the surface. The seismic impact evaluation in the Draft EIS/EIR considers the impact of a magnitude 6 to 6.5 earthquake directly beneath the site, a magnitude 7 to 7.5 event at a distance of 4 miles (on the Blue Cut fault), and a magnitude 7.8 to 8.0 earthquake at a distance of 32 miles (the San Andreas fault). It should also be noted that two magnitude 5.2 earthquakes in the Mojave Desert caused surface rupture, Galway Lake 1975, and Homestead Valley, 1979. This suggests that even earthquakes smaller than magnitude 5.5 can cause surface rupture in the Mojave Desert area. Thus, the lack of Holocene ground rupture in the crystalline rock at the site indicates that the possibility of a "hidden" active fault beneath the site capable of generating an earthquake with a magnitude greater than 5.2 is remote and that the assumption in the seismic impact analysis that there is such a hidden source beneath the site and that it is capable of generating a magnitude 6 to 6.5 earthquake is extremely conservative.

Why has there been no trenching or bore holes performed on faults and old geomorphic features at the site? Also, potential under ground sources must be evaluated with data to substantiate any conclusions | aq

(aq) Trenching performed on faults and geomorphic features at the site is described in Appendix H-4, "Summary of Information on the Absence of

Holocene Fault Displacement." Furthermore, as noted in Appendix H-4, the mine pit at the site serves as a "particularly unique" trench "that clearly exposes the relation of bedrock faults and alluvium" for the purposes of on-site fault activity assessment.

Underground seismic sources (seismic sources without surface expression of faulting) were considered in the seismic hazard assessment. In fact, despite the fact that there is no evidence of Quaternary displacement on any of the faults in and around the site, the design earthquake evaluated using the Cal Tech and USGS micro-seismicity data in accordance with the probabilistic prescriptive approach provided in the federal regulations is a magnitude 6 to 6.5 earthquake directly beneath the site.

Figure 3a shows Eagle Mountain completely surrounded by large and small observable and under ground faults | ar
Why do you claim that you're on the edge of seismicity when there are miles in any direction where faults are located?

(ar) The Draft EIS/EIR states that the site is located "on the eastern edge of the area of high historical seismicity in southern California" and "beyond the eastern limit of Quaternary fault activity in the Southeast Transverse ranges physiographic province." Figure 3a of Appendix H-1 clearly shows that there is no evidence of Quaternary displacement for the faults surrounding and west of the site, thereby indicating that the site is beyond the eastern limit of Quaternary fault activity in the Southeast Transverse ranges physiographic province. Figure 4 of Appendix H-1 shows the site to be on the eastern edge of the area of high historical seismicity in southern California.

Not all faults recognized as active have been zoned Include all known active faults, even if not zoned yet USGS | as
has a bunch you need to include

(as) All known active and potentially active faults have been included in the seismic hazard analysis, either through explicit modeling of the fault or by incorporation into a seismo-tectonic zone random earthquake source. The lead agencies (BLM and the County) are not aware of any faults identified by USGS capable of generating strong ground motions at the Project site that have not been incorporated in the analysis.

You claim that you can achieve 90% compaction, What equipment will be used to accomplish this? Show data to | at
prove uniformity. Show an example, with supporting data, where 1400 feet of trash has been uniformly compacted to 90% relative compaction

(at) The comment is incorrect. Neither the Draft EIR/EIS nor any other Project document indicates that waste will be placed at a relative compaction of 90 percent, or at any other level of relative compaction. Project documents do, however, indicate that certain soil components of the landfill systems will be compacted to a minimum density corresponding to 90 percent of the maximum density achieved in a modified Proctor compaction test (ASTM D 1557) (i.e., 90 percent relative compaction). For example, Section 6.4.5.3 of the ROWD indicates that the low permeability soil component of the liner

system will be placed at a minimum relative compaction of 90 percent. It is possible that the comment mistakenly assumes that information on compaction of soil materials also applies to waste. For the locations at which the ROWD is available to the public, see Comment 36-2.

You discuss permanent deformation of the liner due to settling, what about unstable ground? Much crumbling will occur as in the past millions of years. The natural process of geologic break-down will cumulatively affect the deformation. This needs to be analyzed, and include supporting data to substantiate the results. au

(au) Negligible settlement of the liner system will occur during the life of the Project due to the breakdown mechanism mentioned in the comment. The breakdown mechanism will result in negligible settlements because it is an extremely slow process that can be measured only over geologic time intervals, such as millions of years. The life of the Project, which is 117 years plus 100 years of post-closure monitoring, is too short a period of time to produce significant breakdown. In addition, the construction of the landfill will further slow breakdown because the natural materials underlying the liner system will be insulated from moisture and temperature fluctuations that generally promote the breakdown process.

Describe how Resonant Frequency of random composition of unknown materials can be calculated. av

(av) The resonant frequency of the waste mass depends on the waste mass thickness and the shear wave velocity of the waste. Waste mass thickness is a parameter dictated by the design of the facility. A range of "typical" thicknesses was evaluated in the seismic impact analysis. The shear wave velocity profile used in the seismic impact analysis (Section 4.9.3) was based upon measurements at eight municipal solid waste landfill facilities in the southern California area. These waste shear wave velocity profiles measured at these facilities fell into a relatively narrow band. Although the composition of the waste at these facilities is also "random and unknown," it is believed to be representative of the composition of waste expected at the proposed landfill. The combination of the "typical" landfill thicknesses and representative shear wave velocity profile used in the seismic impact analyses is believed to encompass the range of resonant frequencies that will exist at the proposed landfill.

Why is deformation rates excluded in regards to the Sunshine Canyon dump? Why is Eagle Mountain's rate predicted to be smaller when ten times more weight and distance are involved? aw

(aw) Although the distance from the toe to the crest of the waste slopes proposed for the landfill exceeds that of the Sunshine Canyon landfill and other municipal solid waste landfills, the maximum waste thickness for the proposed Eagle Mountain Landfill is the same order of magnitude as the maximum waste thickness for the Sunshine Canyon landfill. Permanent seismic deformations predicted for the Eagle Mountain landfill are of the same magnitude as those predicted for the Sunshine Canyon landfill.

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Horizontal component of the final cover will facilitate rain percolation. How is this accounted for? | ax

Why not use the Department of Water Resources parameters to determine sheer strength of the liner? Can't tell from the DEIS/EIR what specific material you will use - how can you predict sheer strength on nothing? | ay

Furthermore, studies by Bray et al. (1995) have shown that, counter intuitively, increasing the thickness of the waste mass actually reduces the seismic load on the liner of a landfill.

Bray, J. D., A. J. Augello, G. A. Leonards, P. C. Repetto, and R. J. Byrne. (1995) "Seismic Stability Procedures for Solid-Waste Landfills," *Journal of the Geotechnical Engineering Division.* ASCE. Vol. 121, No. 2. pp. 139-151.

(ax) The "horizontal components" of the final cover system referred to in the comment are assumed to be the areas of relatively constant elevation located close to the northern landfill boundary. As illustrated in Figure 2-19 in the Draft EIR/EIS these areas comprise less than 5 percent of the landfill surface area. Due to this small area percentage, and to the fact that these areas are not actually horizontal but are inclined at a minimum slope of 3 percent as required by California regulations (Section 6.2.5 of the ROWD), rainfall infiltration in these areas will not significantly affect leachate generation rates. Furthermore, it is noted that even though calculations presented in Appendix C-5 of the Draft EIS/EIR and in Section 4.5.3 and Appendix A of the ROWD indicate that no sustained leachate generation is expected, the LCRS has been designed assuming a sustained daily leachate generation rate of 13 gallons per acre for the life of the project.

(ay) The liner system shear strength parameters used for the slope stability analyses described in Chapter 8 of the ROWD were based on project-specific shear strength testing (Section 7.9 of the ROWD) and published values from the technical literature for similar materials. These sources are appropriate for the ROWD-level design.

In reference to the relevance of the comments by the Department of Water Resources to more detailed landfill design, the comments by the Department of Water Resources regarding liner system interface shear strength parameters were available to the RWQCB when the Waste Discharge Requirements (WDRs) were issued in May 1994. As summarized in Table 4 of Appendix H-1 of the Draft EIS/EIR, the WDRs require that interface shear strength tests be performed prior to construction using the "specific geosynthetic materials specified for different elements of the liner." The results of this testing will then be used to perform the subphase-specific slope stability analyses described in Section 2.1.6.1 of the Draft EIS/EIR and will be

submitted to the RWQCB for review and approval. This process should ensure that appropriate liner system shear strength parameters are used in the final design.

Table 4 1-7 - Where is this information derived, show us | az

(az) As noted on page 70 of Appendix H-1, the information in Items 1-7 of Table 4 of the Seismic Information Summary Report was derived from a letter from Mr. Raphael A. Torres of the California Department of Water Resources (DWR) to Ms. Charlene Herbst of the California Integrated Waste Management Board (dated October 29, 1993) and from the Waste Discharge Requirements issued by the Colorado River Basin Region of the California Regional Water Quality Control Board (RWQCB).

Reference all of the "local and regional studies" used to determine evidence of Holocene faulting | ba

(ba) The local and regional studies used to determine evidence of Holocene faulting are described and/or referenced in Appendix H-3, "Faults and Microseismicity Investigation and Conclusion, Proposed Eagle Mountain Landfill Site," Appendix H-4, "Summary of Information on the Absence of Holocene Fault Displacement," and Appendix H-5, "Geomorphic and Soil Stratigraphic Assessments, Alluvial Deposits, Proposed Eagle Mountain Landfill Site."

98% of all quakes in the STR are random, 6.5 Further 98% that contribute to 5 6g occur at less than 5 miles from the site. A 6.5 at the site is possible, what are the impacts? | bb

(bb) The 0.56 g design earthquake described in the Draft EIS/EIR was modeled as a magnitude 6.5 earthquake. The seismic impact assessment described in Appendix H and summarized in the text are for a magnitude 6.5 earthquake directly beneath the project site. Note that the Draft EIS/EIR states that 98 percent of the earthquakes contributing to the 0.56 g design peak ground acceleration were random earthquakes within the SETR of magnitude less than 6.5, and not that 98 percent of the earthquakes in the SETR are random events of magnitude 6.5.

Design quake event is one second. That's not realistic. Now using 1/2 to 1/3 predicted ground acceleration does not give accurate impact data Remodel using the maximum PGA on page 57 and 58 | bc

(bc) The peak ground acceleration was used in the stability analysis of the walls of the East Pit described on pages 57 and 58 of Appendix H-1 of the Draft EIS/EIR. The reference on page 58 to the conventional approach of using 1/2 to 1/3 of the peak acceleration in such an analysis was made in the context of contrasting the conservative approach used on this Project to what is generally accepted in geotechnical engineering practice. The statement on page 57 of the text states that "in the design earthquake, the horizontal ground acceleration is applied for a very short period, less than a second" contains a typographical error, as it should refer to the peak horizontal

Why not use both sets of examples or use the maximum predictable based on historical data locally and regionally? | bd

The closest approach with potential interaction with an 8.0 San Andreas quake is 7 miles. Recalculate inputs on a seven mile distance, not the 33 miles that you have chosen | be

Remaining comments

- Will the County own any portion of the project? | 21

- Show the cost to the County's infrastructure and residents | 22

acceleration, and was made to further illustrate the conservatism in the use of the peak round acceleration to evaluate the stability of the natural slopes at the site. The actual duration of the design earthquake is from 10 to 50 seconds, depending on whether the prescriptive federal design earthquake or the alternative California design earthquake is used.

(bd) It is assumed that the comment is referring to the difference between the prescriptive probabilistic approach described by the federal regulations and the alternative deterministic approach required by California regulations for determining the design earthquake from the seismic hazard analysis. The Project was analyzed for both the design earthquake determined using the prescriptive probabilistic approach described in the federal regulations and the alternative deterministic approach required by the California regulations. The deterministic approach used in compliance with California regulations does incorporate both local and regional historical seismicity in the evaluation of the design earthquake.

(be) The comment that the San Andreas fault passes within 7 miles of the site is unfounded. All geologic map information on the San Andreas fault indicates that, as described in the Draft EIS/EIR, the closest approach of the fault to the site is 33 miles.

Response to Comment 195-21

MRC applied for a Development Agreement with the County in 1995, when it submitted its application for entitlements. As with the last Development Agreement (1992), it is proposed that MRC would deed a portion of the airspace in the landfill to the County upon execution of the Development Agreement. The County would then claim the airspace volume as excess capacity and MRC would receive it back in exchange for future payments to the County from out-of-County tipping fees. It is proposed that the County would never own any of the property underlying the Project or have an equity interest in Mine Reclamation Corporation. Also see Response to Comment 38-2.

Response to Comment 195-22

The costs for reviewing the EIS/EIR and for processing land use applications associated with the Project has been paid. Approximately $370,000 has

- Provide an audit of costs to the County and BLM for processing both applications for this dump | 23

- Is there an MOU between the County and Polluters as with the last time around? If so, make it as part of the FEIS/EIR. | 24

- Show letters of intent from potential customers, if none, state such. | 25

- Show all agreements/letter of intent from potential dump operators. | 26

- The video tapes from JTNP/NPS clearly show four experts stating that the Administrative Draft is inadequate. Did you do another Administrative Draft? Where have you fixed the expressed inadequacy, and there are many? | 27

been paid by Kaiser and MRC for the County's costs, and County staff are monitoring any monies spent. To date, those funds have not been exceeded. If, however, the County expends monies beyond the $370,000 amount, Kaiser and MRC will replenish the needed funds. See Response to Comment 20-48.

Response to Comment 195-23

See Response to Comment 195-22.

Response to Comment 195-24

There is no valid or "active" MOU between the County and the applicant.

Response to Comment 195-25

There are no pending "letters of intent" from potential customers.

Response to Comment 195-26

There are no pending agreements or letters of intent from potential operators of the Project facility. Project sponsors are continuing to have discussions with potential operators.

Response to Comment 195-27

The JTNP videotape referenced by the comment was also raised as a public comment at the BLM public hearing in Palm Springs on August 6, 1996. Prior to hearing the public testimony on this issue, neither the BLM nor the County had been aware that JTNP had videotaped a meeting or that the meeting had occurred. After the public hearing ended, the Superintendent of JTNP informed the BLM that the videotaped meeting at JTNP was held in May 1996, to discuss general ecological issues and the Administrative Draft EIS/EIR. The meeting was attended by staff from JTNP and NPS and by several university professors. Subsequent to the referenced meeting, the NPS submitted its comments on the Administrative Draft EIS/EIR. On the basis of communication with JTNP Superintendent Quintana, the issues raised at the meeting are not considered to be comments on the July 1996, Draft EIS/EIR. The NPS comments on the Draft EIS/EIR are presented in Response to Comments 1-1 through 1-182 of the Final EIS/EIR. In addition,

- We request a minimum 90 days to review the FEIS/EIR prior to the up-coming County hearing process | 28

- Due to your lame and distorted assessment of landfill mining, we include the Feasibility Study conducted for the CIWMB. | 29

- We strongly recommend the NO PROJECT ALTERNATIVE !!!!!!!!!!!! | 30

In closing, it must be made part of the record that the County of Riverside and the BLM did everything in their level best to stifle the public's participation in the formation of the environmental documents(s). From the illegal NOP that erroneously states that the "project received 17 of it's necessary 20 permits, many of which are still valid", to Joan Oxendine telling Donna Charpied that the BLM will not send out the DEIS/EIR to everyone, because "most people don't read it and understand it anyway". David Mares made similar statements. The Charpieds received MANY telephone calls from the public complaining that the agencies refused to send out the DEIS/EIR. Donna Charpied telephoned both David Mares, Lead for the County, and Joan Oxendine, Lead for the BLM, to inquire as to why the documents were not being sent to interested parties. Both David and Joan gave permission to record the conversations, the tapes are incorporated herein by reference. Both Joan and David said that "it cost too much to send to everyone who asks for it.". The BLM even changed the telephone number given out to order the document - that started another rash of phone calls to the Charpieds from interested members of the public. As it turns out, a lot of folks during the BLM hearings testified to the fact that they either still had not received their document, or did not have time to review it, because they only had it for a week or so. (It was like pulling teeth to get them to send one to our attorney who represented us during the land exchange appeals, a known interested party!). Indeed, the Code of Federal Regulations state that everyone who request an EIS AND APPENDICES, SHALL RECEIVE THEM !!! VERY FEW SELECT MEMBERS OF THE PUBLIC RECEIVED THE APPENDICES ALONG WITH THE DEIS/EIR !! BLM JUST SAID THEY DON'T WANT TO PRINT ANY MORE. That begs the question, JUST WHO IS PAYING FOR THE PREPARATION AND DISTRIBUTION OF THE DOCUMENT(S)? The tax payers or the applicants ? In light of the facts, that many Agency and Public questions/concerns were ignored in this DEIS/EIR, we request that a Supplemental EIS/EIR be prepared and circulated for Public and Agency comment. | a | 31 | b | c | d

Larry and Donna Charpied

the NPS and Kaiser/MRC have entered into an Agreement (Appendix T) in which the NPS states that the EIS/EIR is a "complete analysis of the known environmental impacts of the Project upon the environment."

Response to Comment 195-28

CEQA requires that a Final EIR be available for public review a minimum of 10 days prior to a hearing. Hearings for the County Planning Commission have been tentatively set for January 30, 31, and February 5, 1997. Hearings for the County Board of Supervisors have not yet been scheduled.

Response to Comment 195-29

The Draft EIS/EIR discusses landfill mining as an alternative considered but eliminated from further consideration (Section 2.8.4, pages 2-72 to 2-76). In reference to the discussion of landfill mining in the CIWMB report (CIWMB, Final Report, Landfill Mining Feasibility Study, October 1993), see Response to Comment 20-47.

Response to Comment 195-30

Comment acknowledged.

Response to Comment 195-31

(a) The NOP issue is currently addressed in Section 1.4.3 of the EIS/EIR. Please also see Response to Comment 18-29.

(b) An adequate review time was provided to the public. The review period for the Draft EIS/EIR was 67 days, which exceeds the review period required for both NEPA and CEQA. NEPA requires a minimum of 45 days for public comment on a Draft EIS (40 CFR 1506.10). CEQA requires a minimum of 45 days for public comment on a Draft EIR unless the State Clearinghouse approves a shorter period (CEQA, Section 15087).

The Notice of Completion for the EIR was filed on July 2, 1996. The Notice of Availability for the EIS was published in the *Federal Register* on July 12, 1996. To facilitate public review, the July 12, 1996, date was used as the starting date for determining the review period. The closing date for public comments was originally September 10, 1996, which would have provided

57 days for public comment. This date was extended to September 17, 1996, which resulted in 67 days for public review.

(c) To accommodate public review of the Draft EIS/EIR, an initial printing of 350 copies of the Draft EIS/EIR and 150 copies of the two volumes of the technical appendices was prepared. In response to requests, an additional 20 copies of the Draft EIS/EIR and 16 copies of the two volumes of the technical appendices were printed, resulting in a total of 370 copies of the Draft EIS/EIR and 166 copies of each of the technical appendices. After sending copies of the Draft EIS/EIR to individuals and agencies on a consolidated BLM and County mailing list of approximately 160 people, the remaining copies were sent to members of the public upon request. Copies of the document were sent out within 24 hours of the date of the request.

In addition, copies of the complete document (EIS/EIR, Volumes 1 and 2 of the Technical Appendices) are in more than 20 libraries in Southern California and the San Francisco Bay area. Copies are also available for review in the Palm Springs and Riverside offices of the BLM and in the Indio and Riverside offices of the County. The telephone numbers for appropriate lead agency contacts were included in the Notice of Availability and the Notice of Completion published for the EIS/EIR. These numbers remained valid throughout and beyond the public comment period.

The three litigants from the challenge to the previous EIS/EIR were sent complete copies of the EIS/EIR, including Volumes I and II of appendices, on July 8, 1996 via overnight mail. Copies of the receipt of these documents, including the signature of the individual receiving the document indicate that all three parties received the document on July 9, 1996. One of the litigants requested that another copy be sent to her attorney, Lawrence McHenry. The three volumes of the Draft EIS/EIR were sent to Mr. McHenry by overnight mail on July 12, 1996, which is the same day of the *Federal Register* notice.

(d) Changes to the Draft EIS/EIR are presented in Section 6 of the Final EIS/EIR. These substantive changes do not result in or from new information, nor do they indicate a change in the findings of significance associated with impacts; therefore, preparation of a Supplemental EIS is not warranted. As discussed in the Draft EIS/EIR, the Project will result in

environmental impacts that cannot be mitigated to below the level of significance. Those impacts are Project-specific to air quality, bat roost habitat, and the wilderness experience. (Refer to the Draft EIS/EIR, page 1-41.) In addition, cumulative air quality impacts in the Southeast Desert Air Basin and cumulative water use impacts are deemed to be significant.

Under CEQA, the lead permitting agency (the County of Riverside) must prepare a Statement of Overriding Considerations (SOC) if the Project would cause significant impacts that cannot be mitigated (Refer to California Public Resources Code Section 21081b). The SOC requires the lead agency to make a finding that "specific overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment."

Under NEPA, the lead agency (BLM) must prepare a Record of Decision (ROD) after the Final EIS/EIR has been published. In the ROD, the lead agency may discuss its preferred alternative based on the relevant factors, which may include "economic and technical considerations."

In addition to the impacts identified in the Draft EIS/EIR, the following public benefits of the Project are identified:

- Provide the County of Riverside, as well as other counties in the Southern California region, with a reliable source of waste disposal capacity for both the short term and the long term.
- Establish an Environmental Mitigation Trust funded by a contribution of one dollar per ton of waste deposited at the landfill for the entire life of the landfill. These funds will be used to acquire and preserve lands containing habitat for environmentally sensitive species. The Trust will also fund programs that provide regular monitoring and, if necessary, mitigation of the landfill's effects on resources in the vicinity of the Project.

- Consolidate and preserve through the land exchange approximately 2,846 acres of land for BLM management ("Offered Lands") that include areas containing important habitat for environmentally sensitive species.
- Provide the County of Riverside with a long-term source of revenue generated from the disposal fees for non-Riverside County waste collected by landfill operations.
- Provide direct employment for construction-related jobs and permanent operational positions at the landfill and Townsite; and provide indirect employment benefits in other areas of the County of Riverside.
- Provide for the reclamation of land distributed by mining operations.

Whether these public benefits justify approval of the Project is a decision to be made by the lead agencies—the BLM and the County of Riverside. The NPS has stated (see Appendix T) that the EIS/EIR is a "complete analysis of the known effects of the Project upon the environment."

Attached to Comment Letter 195 from Larry and Donna Charpied were 47 attachments (amounting to more than 250 pages), which consisted of a series of correspondence with agencies and elected officials; comments by the Charpieds on various other government notices or comment opportunities; Freedom of Information Act (FOIA) requests and responses; legal briefs; a BLM Level 1 Contaminant Survey; technical reports on soil contamination, wells, groundwater, landfill mining, and seismic hazards; and news or journal articles on the Kaiser Eagle Mountain Mine and on a landfill slide at an Ohio landfill. The appendices to Comment Letter 195 were reviewed during the preparation of the Final EIS/EIR, and the key issues raised by the appendices, as they relate to the proposed Project, are addressed in the response to the comment letter. Because of the length of these appendices, and because the key issues related to the proposed Project are summarized either in the comment letter or the response, the appendices are not reproduced here. The full appendices are available for review at the County of Riverside Transportation and Land Management Agency and BLM offices (see Section 1, Final EIS/EIR for addresses).

COMMENT LETTER 196

Julia Dougan, Area Manager
Palm Springs-South Coast Resource Area, BLM
6221 Box Springs Blvd.
Riverside, CA 92507
(619) 251-4899

RECEIVED
BUREAU OF LAND MANAGEMENT
96 SEP 13 PM 3:30

Date: 9/12/96

Subject: Comments on the Eagle Mountain Landfill Draft EIS/EIR

Dear Julia Dougan,

I am writing to inform you of my complete and total opposition to the proposed Eagle Mountain landfill based on serious adverse impacts to Joshua Tree National Park, which surrounds the proposed site on greater than three sides. The closest National Park boundary is 1.5 miles north. Impacts I am most concerned with are listed below. I am aware there are at least three alternative landfill sites which would not impact Joshua Tree NP, and would thus be better locations for a proposed dump of this magnitude. I urge you to protect Joshua Tree NP. Please do everything you can to stop the dump from being permitted.

Joshua Tree NP represents the largest in tact ecosystem in the Mojave desert. It has enjoyed National Park Service protection since 1936 and over 80% of the park is federally mandated wilderness. I believe 12 trains hauling 20,000 tons of garbage, from Los Angeles and surrounding counties, every day for over 80 years, will have significant long term and disperse ecological impacts within Joshua Tree NP. The trains will run parallel to the southern park boundary along Interstate 10 and then turn northwest into Eagle Mountain Mine, at Desert Center, near the eastern edge of the Park. Garbage will be dumped into open pits, created from iron ore mining, located 1.5 miles south of the Park's wilderness boundary.

Specific **Wildlife** concerns include:
1) Increased predation of desert tortoise within the park caused by increases in raven populations attracted to the new food source created by the landfill.

2) Desert tortoise killed by trains and truck traffic entering the dump site.

3) Disturbance to bighorn sheep and other resident animal populations caused by noise, lights, odors, trains, and most importantly, ground water draw down, which may effect the level of natural springs that wildlife depend on for water.

There are many Wilderness Resources and Wilderness values impacts related to the landfill. Wilderness resources include all biological and physical aspects such as plants, animals, water, and air. Wilderness values include, visual quality and night sky clarity (related to air quality), recreational and spiritual experiences, and peace and quiet necessary for a feeling of solitude (related to evidence of man caused impacts).

Specific **Wilderness** concerns include:
1) Wind blown trash within the wilderness boundary. Trash inside the wilderness is very likely due to high winds which frequent the area and because Joshua Tree NP surrounds the proposed landfill on greater than three sides. Wind blown trash mitigations proposed in the

Response to Comment 196-1

Comments acknowledged. Please refer to Responses to Comment 193.

Draft EIS/EIR are unreasonable and include helicopter flights over wilderness to pinpoint trash. This intrusive measure is incongruent with the definition of Wilderness which does not allow motorized vehicles within its boundaries and protects against the impacts of man.

2) Air quality impacts are reported in the document to be significant in the Southeast Desert Air Basin where the open pits are located. Visibility modeling reported in the document discloses several exceedances of visibility significance thresholds defined by the National Park Service and supported by the Environmental Protection Agency. These visibility impacts will be seen from visitors within Joshua Tree wilderness boundaries. Over several years 8 smoke stacks will be phased in to collect methane gas generated from landfill decomposition. The methane will be flared and emissions of visible air pollutants will result. The eight smoke stacks and their plumes will be visible from within the wilderness.

3) Night sky darkness is a Wilderness value which is becoming more and more scarce in this country. Illumination of nighttime activities at the proposed landfill will impact the wilderness night sky experience.

4) Odor is a common part of every landfill. My wilderness experience would be ruined if I were to be subjected to the smells of putrid decaying garbage.

This concludes my letter in opposition to the proposed Eagle Mountain landfill. I will be shocked if the BLM allows such an obviously bad land management decision to be made. I compel you to remember your ecosystems management approach for making land planning decisions based on long term ecological effects, and choose the No Action alternative for this proposal. The ecosystem in and around Joshua Tree NP will be forever altered if this dump is allowed.

Sincerely,

Kerry Christensen, Senior Scientist

Hualapai Tribe

COMMENT LETTER 197

LOUIS A. CONTER
45-590 HOPI ROAD
INDIAN WELLS,CALIFORNIA 92210
619 345-4153

RECEIVED
BUREAU OF LAND MANAGEMENT
96 SEP 17 PM 1:23

September 16,1996

Department of the Interior
Bureau of Land Management
California Desert District
6221 Box Springs Blvd.
Riverside,California 92507

SEP 25 199

Attn: Ms. Joan Oxendine

Re: Eagle Mountain Land Fill
Enviromental Report

Dear Ms. Oxendine:

In answer to your review of the Eagle Mountain Project and for s specific comments on the enviromental impact statement I want to highly recommend that it be approved immediately.The hearings and comment period have gone on long to far now.This project is very much needed now ,has been properly engineered, financed and in no way any determent to the area.In fact the pluses overway any unjust critics. 1

This recommendation also is for any other hearings by Riverside County or other agiencies.

The report completed by CH2M Hill dated July 1996 is as complete as any project of this size and term could be. However in the Landfill sections referencing the "LINERS" it possibly should be stated " or other acceptable liners".There no doubt will be other PE liners now in existence or will be developed over the life of this project that will be superior and should be used. For instance the PPL-24 and PPL-30 HDPE liners from Bend Tarp and Liner,Inc. 2 This liner is being used extensively in Alaska and around tthe world for contaminated soils.See the attached exhibit "A" showing these liners (PPL-24 and 30) are 20 to 140 times that of clay.

The PPL24 and PPL-30 liners should be studied farther to determine their use in these landfill projects.They will also withstand the forces of earthquake better since they have a better elongation factor.They are far superior to any PVC liners used in some golf.

Thank you for helping to get this project going.Southern California badly needs the Eagle Mountain Landfill project in operation now.

Very truly yours,

LOUIS A, CONTER

CC: Eagle Mtn.
Board of Supervisors
Secy. of the Interior
Hon. John Garamendi
Others.

Response to Comment 197-1

Comment acknowledged.

Response to Comment 197-2

Comment noted. Results of engineering evaluations of potential liner materials available today indicate that HDPE provides the best combination of chemical and physical durability, low hydraulic conduit, elongation properties, ease of installation, and cost. See Section 2.1.5.1 and Appendix C. If other superior liner materials are developed while the landfill is in operation, they will be considered on a case-by-case basis and with approval by local and state agencies during construction-level design activities for each subphase of the landfill.

Polymer International
a division of Intertape Polymer Inc.

RECEIVED
BUREAU OF LAND MANAGEMENT
96 SEP 17 PM 1:23
WEST PACIFIC SOUTH COAST
RESOURCE AREA

DATE: August 11, 1992
PAGE: 1 OF 3

FAX MESSAGE

TO: All Sales Offices
W.A. Barnes
S. Gillett
Customer Service

FROM: Don Smith

Re: Permittivity of Nova-Thene Fabrics

Attached is a copy of some recent test results done for us by Jacques, Whitford and Associated Ltd., the leading geotechnical engineering company in eastern Canada. These tests are done to determine the barrier properties of the membrane materials. For comparison's sake, a well compacted clay has a permittivity of 10^{-7} sec^{-1}. This means that the test results show barrier properties which are 20 to 140 times that of clay.

While these results are most encouraging, a word of caution is necessary. Because of the thin coatings on our fabric, we must be sure that every precaution is taken to keep the coating intact and protected. Any installation of a Nova-Thene fabric as a geomembrane should incorporate protective layers above and below the liner. The ideal configuration would be to have the liner protected by layers of geotextile (preferably the non-woven types) and then layers of sand or clay containing no rocks or other foreign bodies which might puncture the liner.

Donald R. Smith, P. Eng.
Product Development Manager

DRS/lm

SAMPLE	PERMITTIVITY (SEC^{-1})
RB 8-6:	
A	6×10^{-9}
B	3×10^{-9}
C	2×10^{-9}
D	4×10^{-9}
RB 10-6:	
A	2×10^{-9}
B	1×10^{-9}
C	2×10^{-9}
D	3×10^{-9}
RB 616 LD	
A	3×10^{-10}
B	1×10^{-10}
C	2×10^{-9}
D	5×10^{-10}
RB 210 W	
A	6×10^{-9}
B	6×10^{-9}
C	4×10^{-9}
D	8×10^{-10}

Sept. 17, 1996

The Bureau of Land Management
Attn: Eagle Mountain
6221 Box Spring Blvd
Riverside, CA 92507

To Whom it May Concern:

I was alarmed to hear of the proposed Eagle Mountain Landfill. The landfill is proposed to be within half a mile of the southeast corner of Joshua Tree National Park. This is **unacceptable!** It would cause an undesirable and significant impact on the surrounding nature and wildlife. To quote Superintendent Ernest Quintana, "Garbage is an immense food source for animals and when they feed on it , it will upset the balance of nature." The landfill will no doubt affect the area as a whole possibly reducing air quality and visibility.

I have personally visited Joshua Tree for over 20 years and would hate to see it adversely affected. It's our only National Park in So. California and we must guard it carefully. I write to you as a Joshua Tree National Park patron, environmentalist and fellow Californian to urge you to reject the Eagle Mountain Landfill sight.

Best Regards,

Jeff Cooper
4674 Edgeware Rd.
San Diego, CA 92116

Response to Comment 198-1

Comment acknowledged. See General Responses 3 and 6.

COMMENT LETTER 199

Julia Dougan, Area Manager
Palm Springs-South Coast Resource Area, BLM
6221 Box Springs Blvd.
Riverside, CA 92507
(619) 251-4899

BUREAU OF [illegible]
96 SEP 20 PM 3:12

Date: 9/12/96

Subject: Comments on the Eagle Mountain Landfill Draft EIS/EIR

Dear Julia Dougan,

I am writing to inform you of my complete and total opposition to the proposed Eagle Mountain landfill based on serious adverse impacts to Joshua Tree National Park which surrounds the proposed site on greater than three sides. The closest National Park boundary is 1.5 miles north. Impacts I am most concerned with are listed below. I am aware there are at least three alternative landfill sites which would not impact Joshua Tree NP, and would thus be better locations for a proposed dump of this magnitude. I urge you to protect Joshua Tree NP. Please do everything you can to stop the dump from being permitted.

Joshua Tree NP represents the largest in tact ecosystem in the Mojave desert. It has enjoyed National Park Service protection since 1936 and over 80% of the park is federally mandated wilderness. I believe 12 trains hauling 20,000 tons of garbage, from Los Angeles and surrounding counties, every day for over 80 years, will have significant long term and disperse ecological impacts within Joshua Tree NP. The trains will run parallel to the southern park boundary along Interstate 10 and then turn northwest into Eagle Mountain Mine, at Desert Center, near the eastern edge of the Park. Garbage will be dumped into open pits, created from iron ore mining, located 1.5 miles south of the Park's wilderness boundary.

Specific **Wildlife** concerns include:
1) Increased predation of desert tortoise within the park caused by increases in raven populations attracted to the new food source created by the landfill.

2) Desert tortoise killed by trains and truck traffic entering the dump site.

3) Disturbance to bighorn sheep and other resident animal populations caused by noise, lights, odors, trains, and most importantly, ground water draw down, which may effect the level of natural springs that wildlife depend on for water.

There are many Wilderness Resources and Wilderness values impacts related to the landfill. Wilderness resources include all biological and physical aspects such as plants, animals, water, and air. Wilderness values include, visual quality and night sky clarity (related to air quality), recreational and spiritual experiences, and peace and quiet necessary for a feeling of solitude (related to evidence of man caused impacts).

Specific **Wilderness** concerns include:
1) Wind blown trash within the wilderness boundary. Trash inside the wilderness is very likely due to high winds which frequent the area and because Joshua Tree NP surrounds the proposed landfill on greater than three sides. Wind blown trash mitigations proposed in the

Response to Comment 199-1

Comments acknowledged. Please refer to Responses to Comment 193 and General Responses 3 and 6.

Draft EIS/EIR are unreasonable and include helicopter flights over wilderness to pinpoint trash. This intrusive measure is incongruent with the definition of Wilderness which does not allow motorized vehicles within its boundaries and protects against the impacts of man.

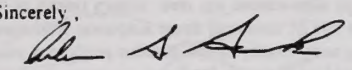
2) Air quality impacts are reported in the document to be significant in the Southeast Desert Air Basin where the open pits are located. Visibility modeling reported in the document discloses several exceedances of visibility significance thresholds defined by the National Park Service and supported by the Environmental Protection Agency. These visibility impacts will be seen from visitors within Joshua Tree wilderness boundaries. Over several years 8 smoke stacks will be phased in to collect methane gas generated from landfill decomposition. The methane will be flared and emissions of visible air pollutants will result. The eight smoke stacks and their plumes will be visible from within the wilderness.

3) Night sky darkness is a Wilderness value which is becoming more and more scarce in this country. Illumination of nighttime activities at the proposed landfill will impact the wilderness night sky experience.

4) Odor is a common part of every landfill. My wilderness experience would be ruined if I were to be subjected to the smells of putrid decaying garbage.

This concludes my letter in opposition to the proposed Eagle Mountain landfill. I will be shocked if the BLM allows such an obviously bad land management decision to be made. I compel you to remember your ecosystems management approach for making land planning decisions based on long term ecological effects, and choose the No Action alternative for this proposal. The ecosystem in and around Joshua Tree NP will be forever altered if this dump is allowed.

Sincerely,



cc:
Honorable Diane Feinstein
United States Senate
Washington, DC 20510-0504

Honorable Barbara Boxer
House of Representatives
Washington, DC 20515

Secretary Bruce Babbitt
U.S. Department of the Interior
Interior Bldg.
1849 C Street NW
Washington, DC 20240

Director Roger Kennedy
National Park Service
P.O. Box 37127
Washington, DC 20013-7127

COMMENT LETTER 200

Julia Dougan, Area Manager
Palm Springs-South Coast Resource Area, BLM
6221 Box Springs Blvd.
Riverside, CA 92507
(619) 251-4899

BUREAU OF LAND MANAGEMENT
96 SEP 18 PM 3:23

Robert Gillis
224 W O'Connor
Menlo Park CA 94025

Date: 9/14/96

Subject: Comments on the Eagle Mountain Landfill Draft EIS/EIR

Dear Julia Dougan,

I am writing to inform you of my complete and total opposition to the proposed Eagle Mountain landfill based on serious adverse impacts to Joshua Tree National Park, which surrounds the proposed site on greater than three sides. The closest National Park boundary is 1.5 miles north. Impacts I am most concerned with are listed below. I am aware there are at least three alternative landfill sites which would not impact Joshua Tree NP, and would thus be better locations for a proposed dump of this magnitude. I urge you to protect Joshua Tree NP. Please do everything you can to stop the dump from being permitted.

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Specific **Wildlife** concerns include:

2 1) Increased predation of desert tortoise within the park caused by increases in raven populations attracted to the new food source created by the landfill.

2) Desert tortoise killed by trains and truck traffic entering the dump site.

3) Disturbance to bighorn sheep and other resident animal populations caused by noise, lights, odors, trains, and most importantly, ground water draw down, which may effect the level of natural springs that wildlife depend on for water.

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Specific **Wilderness** concerns include:

4 1) Wind blown trash within the wilderness boundary. Trash inside the wilderness is very likely due to high winds which frequent the area and because Joshua Tree NP surrounds the proposed landfill on greater than three sides. Wind blown trash mitigations proposed in the

Response to Comment 200-1 through 200-7

Comments acknowledged. Please refer to Responses to Comment Letter 193 and General Response 3.

Draft EIS/EIR are unreasonable and include helicopter flights over wilderness to pinpoint trash. This intrusive measure is incongruent with the definition of Wilderness which does not allow motorized vehicles within its boundaries and protects against the impacts of man.

2) Air quality impacts are reported in the document to be significant in the Southeast Desert Air Basin where the open pits are located. Visibility modeling reported in the document discloses several exceedances of visibility significance thresholds defined by the National Park Service and supported by the Environmental Protection Agency. These visibility impacts will
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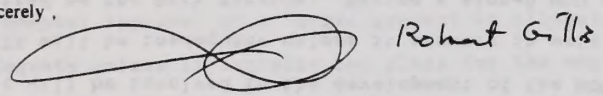
7 4) Odor is a common part of every landfill. My wilderness experience would be ruined if I were to be subjected to the smells of putrid decaying garbage.

This concludes my letter in opposition to the proposed Eagle Mountain landfill. I will be shocked if the BLM allows such an obviously bad land management decision to be made. I compel you to remember your ecosystems management approach for making land planning decisions based on long term ecological effects, and choose the No Action alternative for this proposal. The ecosystem in and around Joshua Tree NP will be forever altered if this dump is allowed.

Sincerely ,



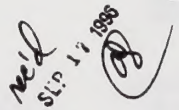
cc:
Honorable Diane Feinstein
United States Senate
Washington, DC 20510-0504

Honorable Barbara Boxer
House of Representatives
Washington, DC 20515

Secretary Bruce Babbitt
U.S. Department of the Interior
Interior Bldg.
1849 C Street NW
Washington, DC 20240

Director Roger Kennedy
National Park Service
P.O. Box 37127
Washington, DC 20013-7127

COMMENT LETTER 201



SEP 25 1996

Henri R. Besson
District Manager
Bureau of Land Management

September 15, 1996

Dear Mr. Besson,

Thank you for the opportunity to comment on the Draft Environmental Impact Statement/Environmental Impact Report (DEIS/EIR) on Eagle Mountain Landfill and Recycling Center Project.

1 I believe the Final EIS/EIR will be inadequate if it relies on an MOU or Draft MOU from the Park Service to justify any impacts on Joshua Tree National Park and surrounding lands/ecosystem. What proof do you have that MOU's are legally binding on all parties and that the public will be involved in the development of the MOU? The Final EIS/EIR will be inadequate unless it answers in writing all concerns submitted by the Park Service. Having a signed MOU and simply referring to it will cause the FEIR to be inadequate. The Park Service concerns submitted on the DEIS/EIR must be included in the FEIS/EIR with responses, even if they sign an MOU.

2 If regulatory agencies do not require daily coverage of the trash, will the owners of this project continue to do so?

3 Mitigation measures for windy conditions need to be explained in full--especially for trash blown off the site and onto National Park and other private/Governmental lands, and the time to complete the cleanup.

Response to Comment 201-1

A MOU is a mechanism used by agencies and/or other parties to document areas of agreement or operational standards. These types of agreements can be enforced by a variety of means, including covenants and deeds. The extent to which the public is involved is dependent on the intent of the parties negotiating the MOU. Responses to all comments received from the NPS are addressed in the beginning of this Response to Comments section (Comment Letter 1). See General Response 3, and Response 195-12. The NPS has entered into an agreement with Kaiser/MRC that specifies contractual obligations of both parties. The Agreement does not alter any of the analyses or conclusions in the EIS/EIR. See Volume I of the Final EIS/EIR and Appendix T.

Response to Comment 201-2

Yes. The Project description in Section 2.1.7 of the document discusses the use of daily cover. In addition, the use of daily cover is used in the mitigation of a number of potential adverse impacts, including odor, groundwater and surface water contamination, the control of litter and the control of vectors. The state and federal solid waste regulations also both require the use of a daily cover at municipal solid waste landfills.

Response to Comment 201-3

As discussed in Sections 2 and 4.10.3 of the EIS/EIR, windblown litter at the landfill will be controlled and mitigated in four ways: (1) waste compaction and soil covering; (2) portable litter control fencing; (3) litter patrols; and (4) minimized active working face. In addition, litter control measures will be jointly evaluated by MRC, BLM, and NPS after the first 6 months of operation. If it is determined at any time that windblown litter from the landfill is having an adverse affect on JTNP, NPS and BLM, the Riverside County Department of Environmental Health will be consulted to assess appropriate remedial action. With regard to the time required to complete any cleanup actions, it is not possible to predict the duration of such an event-specific occurrence. Also, see General Response 3.

The Final EIS/EIR will be inadequate unless state of the art shallow geophysical methods including mini-sosie and any electrical and magnetic methods, as well as shallow sesmic reflections and refraction methods are used. In addition the Final EIS/EIR must include soil mapping, rock mapping, geomorphology, and low sun angle
4 aerial photography. These must be new studies, utilizing the latest techniques and not merely literature review of old (pre 1990) reports--using old geotechnical methods. These studies must extend beyond the site by at least two kilometers to study any potential pathways which could transport contaminants to aquifers and water resources.

I believe this project is actually part of a larger project. I do not believe they will send the trains/trucks back empty. Incremental approval of a larger project is illegal. The FEIS/EIR is
5 inadequate unless it explains any plans for the empty train cars/trucks as they return to pick up more trash. If within twenty years mining operations (or something else) use the empty cars, then the developers of this project should be subject to litigation.

Page 3.10-20 mention thunderstorms in July and August which result in flash floods. The FEIS/EIR will be inadequate unless the
6 impacts from these rains and other rains on the solid waste site is fully analyzed. Simply saying the liner will provide protection for 100 years and beyond is not valid.

Response to Comment 201-4

Extensive geologic studies of the landfill site have been performed. (See Sections 3.1 and 3.9.) These studies were directed by experienced practitioners in the geologic field. The methods used were considered to be suitable considering the geology at the site and the data to be obtained. Some of the methods used to obtain the geologic data include:

- Surface mapping
- Fracture mapping
- Gravimetric study
- Aerial photograph interpretation
- Ground temperature survey
- Corehole and borehole logging
- Borehole geophysical logging
- Trenching
- Video logging of boreholes
- Fracture analysis of rock cores

Response to Comment 201-5

The Draft EIS/EIR accurately describes the Project as proposed by the applicant (see Section 2 of the Draft EIS/EIR). There are no plans to utilize the empty waste truck/train containers for anything other than transport of waste to the proposed Project site.

Response to Comment 201-6

The design of the surface water control system considered the storm events indicative of the area. The Riverside County Flood Control District recommended that the 100-year, 3-hour storm event be used for design because their experience indicated that storm to be indicative of the summer thunderstorms common to the area. The design of the surface water control system is described in Section 4.6 and Appendix F of the Draft EIS/EIR.

Table 3.3-2 indicates there are many crossing arms for trains.

7 The smog caused by waiting cars produced at maximum train usage needs to be analyzed. The developers of Eagle Mountain Landfill must assume fair share responsibility of allowing trains to pass without stopping

8 traffic--such as the construction of overpasses. There are some crossings that presently have no crossing arm, which is inexcusable.

The FEIS/EIR needs to analyze other forms of garbage disposal such as Hydromex, Inc. by LTB Environmental. (300 N. Rampart Street #35 Orange, CA 92668 phone 714-634-1949 or 12106 S. Center Street

9 South Gate, CA 90280 phone 310-634-0679 or Mr. Stone at 909-880-2230 FAX 310-634-7429) The FEIS/EIR is inadequate unless one alternative for this project is the use of five-ten 2,000 tons per day Hydromex sites operating at various existing landfills.

Cumulative impacts are inadequately analyzed, such as the

10 possibility of importing trash from other states and countries. Also the combined impacts caused by the adjacent Hydro/Electric Project.

The DEIS/EIR is inadequate because of inconsistencies with the

11 Riverside County General Plan.

The DEIS/EIR is inadequate in its plan for Raven control. The

12 Final EIS/EIR must have an improved plan.

Response to Comment 201-7

An analysis of air quality impacts at rail crossings is included in the Draft EIS/EIR (Appendix E, Table 4-3). This analysis includes the emission impacts associated with locomotives as well as vehicles waiting at the crossing. See General Response 7.

Response to Comment 201-8

Riverside County has a fund established to build new overpasses and MRC is providing support for this fund.

Response to Comment 201-9

Hydromex (Hydro Metallurgical Extraction) is an emerging solid waste recycling technology. As discussed in Section 2.8.2 of the Draft EIS/EIR, these ways of diverting waste have merit but would not remove the need for landfill capacity to meet the disposal needs of the seven counties that could provide waste to the Eagle Mountain Landfill. Also see General Response 1.

Response to Comment 201-10

The comment that cumulative impacts are inadequately analyzed is not supported. Section 5 of the EIS/EIR fully and completely addresses the proposed Project's potential for cumulative impacts that could be associated with past, present, and reasonably foreseeable future projects and actions. See Section 5 of the EIS/EIR. There are no plans to accept out-of-state waste.

Response to Comment 201-11

As noted in EIS/EIR Section 4.5.4, the proposed Project includes a number of County General Plan Amendments, Zone Changes, Specific Plans and other land use mitigation measures which will ensure consistency with the Riverside County General Plan.

Response to Comment 201-12

Please see General Response 6 and Section 4.7.3.2 of the Draft EIS/EIR.

Plans exist to transport 32,000,000 pounds of trash each day by train and only 8,000,000 by truck. What happens if there is a train derailment and the tracks are closed for several days or longer? Smog and traffic impacts need to be analyzed if trucks try to replace 13

trains. Who pays for the repair/replacement of the entire rail line during the next 100 years? When traffic conditions drop below LOS D trucks and trains which increase congestion during peak a.m. and p.m. travel times must be restricted from travel. 14 15

Finally I would like to protest your closing the public meeting in Riverside on August 8, 1996. The meeting was scheduled on your public notices to last from 4-7 p.m. I myself and someone else I knew arrived at about 5:50 p.m. only to find the hall empty. Working people need until at least 6:00 p.m. I will read the final EIS/EIR with interest to see if this other person submitted comments. He is an attorney and I am sure what he has to say would have been very important. Your FEIS/EIR will be inadequate if he doesn't comment. 16

Please send me a copy of the Final EIS/EIR and any other documents related to this project which will be written between September 17, 1996 and the final vote. Please keep me informed in a timely manner of all meetings which are open to the public when Eagle Mountain Landfill is to be discussed. 17

Sincerely,

George Hague

George Hague
26711 Ironwood Ave.
Moreno Valley, CA 92555

Response to Comment 201-13

Waste would be transported temporarily by truck. See Section 4.2, Public Health and Safety, and Section 4.4, Air Quality; and Appendix E of the Draft EIS/EIR.

Response to Comment 201-14

It is assumed that the question is directed toward responsibility for the Eagle Mountain rail line, because Union Pacific will continue to be the responsible party for the main line from Colton to Ferris Junction. MRC and Kaiser will be responsible for operation and maintenance of the Eagle Mountain Railroad, including any associated costs.

Response to Comment 201-15

As discussed in Section 4.3 of the Draft EIS/EIR, traffic conditions attributable to the proposed Project, with mitigation, will not fall below LOS C.

Response to Comment 201-16

Comment acknowledged. In addition to the hearing on August 8, 1996, three other hearings were held are varying sites in Riverside County to provide opportunities for public input on the Draft EIS/EIR. There were three other public meetings and written testimony was accepted for 67 days. There also are County hearings tentatively scheduled for late January/early February 1997.

Response to Comment 201-17

Comment acknowledged.

220 E. Vista Del Sol
Fullerton, CA 92831
September 17, 1996

Bureau of Land Management
Attn: Eagle Mountain
6221 Box Springs Blvd.
Riverside, CA 92507

Dear Sirs,

I am sending this letter to request information regarding the proposed plan to establish the Eagle Mountain Land Fill.
1 It is my understanding that this site will be surrounded on three sides by Joshua Tree National Park. I would like the opportunity to review the Environmental Impact report. I
2 am concerned that the land fill will have an impact on the natural park and result in an increased number of birds and rodents which might harm the eco-system.

Sincerely,

Mikeal Herrera.

Response to Comment 202-1

Comment acknowledged. See also General Response 6 and Response to Comment 195-31(c) addressing distribution of documents.

COMMENT LETTER 203 8-30-91

To: Mrs. Joan Ozendine
Re: Eagle Mountain Project

My husband and I wish to express support for this project. However, as residents of Cabazon, we also feel the need of a railroad overpass which, would accommodate the extra transports through our community this would bring about.

Thank You,
Sincerely,
Ron & Maria Huggett
P.O. Box 790
Cabazon, Ca 92230

Response to Comment 203-1

Comment acknowledged.

COMMENT LETTER 204

RECEIVED
AUG 07 1996
RIVERSIDE COUNTY
PLANNING DEPARTMENT

August 4, 1996

Mine Reclamation Corp
960 Tahquitz Canyon Way - Suite 204
Palm Springs, CA 92262

Eagle Mountain Landfill Opposition Coalition
P O Box 2000
Indio, CA 92202

Supervisor Roy Wilson - 4th District
4080 Lemon Street - 14th Floor
Riverside, CA 92501

County of Riverside Planning Department
4080 Lemon Street
Riverside, CA 92501

Bureau of Land Management
Department of Interior -Palm Springs Region
P O Box 2000
North Palm Springs, CA 92262

Gentlemen

I cannot believe that the Eagle Mountain Landfill proposal has reared its ugly head once again.

1 The environmental problems which existed earlier still exist, despite the fact that the proponents claim to have addressed these matters in their new E I R The fact remains that despite the use of liners to protect the water supply, the location of this landfill is in an earthquake-prone area

Response to Comment 204-1

The Draft EIS/EIR and ROWD include extensive studies of site seismicity and of the stability of the landfill systems, including the liner system, during earthquakes. The Draft EIS/EIR concludes that the landfill design will be stable with adequate factors of safety under seismic loading conditions that meet federal regulatory requirements and significantly exceed California regulatory requirements. Relevant information on seismicity and seismic design is presented in the following documents: (i) Draft EIS/EIR, Section 3.9.2 and Appendices H-1 to H-5; (ii) ROWD, Section 5.4, Chapter 8, and Appendices D and K; and (iii) ROWD Supplemental Volume 1, Sections 14.4 and Appendices R and S. See also General Response 5.

2 | In addition, hauling tons and tons of garbage by rail and truck will add considerably to the pollution of the atmosphere

3 | Another consideration not to be overlooked is the fact that a preponderance of residents in the area are opposed to the landfill

I urge you to deny this latest application by Mine Reclamation Corp and put this matter to bed once and for all Thank you

Very truly yours,

Grace Jablow

GRACE JABLOW
1340 Primavera Drive
Palm Springs, CA 92264
619/327-6630

Response to Comment 204-2

A detailed analysis of the air quality impacts associated with the operation of waste haul trucks and trains is included in the Draft EIS/EIR (Appendix E, Parts 4.3.1).

Response to Comment 204-3

Numerous comments have been received on the Draft EIS/EIR, including supporters of the Project, opponents of the Project, and comments requesting clarification of issues.

COMMENT LETTER 205

Eagle Mtn. Landfill
6221 Box Spring Blvd
Riverside, Cal.

Sir:

WE ARE invalid AND UNABLE T ATTEND MEETINGS. WE ARE oppose To 2 county dumping at Eagle Mountain for All the obvious REASON THE Hi-Desert Star STATED IT is surrounded ON THREE SIDES BY JOSHUA TREE NATIONAL PARK. OUR SKIES ARE BLUE, OUR AIR NOT POLLUTED. NOT MANY DESERT CITI CAN STATE THAT ANY MORE. WE ARE becoming INUNDATED, WE HEAR BY AMPHETAMINE labs moving out from the city. Now people wish to finish us with garbage.

Riverside Co (INCLUDING PALM SPRINGS) STANDS TO MAKE All the MONEY FROM THIS ACT AT TH EXPENSE of ALL THE LAND - OWNERS FOR 50 miles AROUND this GRAND CANYON of All dumpsites. WE KNOW of possib. water pollution IN years to come but only A BOARD of GREED WOULD OVERLOOK THE DUST, PAPER AND HUNDREDS of OTHER POLLUTANTS THAT WILL BE STIRRED UP DAILY TO FILL OUR BEAUTIFUL SKIES & LORD, IF THEN HOW SHALL WE BREATHE!

MUST MONEY CONTROL THE LIVES OF EVERYONE IN POWER AND ONCE AGAIN STIFLE AND GRIEVE WE LESSER UNFORTUNAT OLD FOLKS who have MADE the last move? PLEASE DONT DO IT

BETTY KIELHOFER
8343 WARREN VISTA
YUCCA Valley Cal 92284

365-6639

Response to Comment 205-1

Comment acknowledged. See General Response 3.

COMMENT LETTER 206

RECEIVED
BUREAU OF LAND MANAGEMENT
96 AUG 22 PM 2:50

DOUG & KATHLEEN KOPP
78878 CABRILLO AVENUE, PALM DESERT, CALIFORNIA 92260

CALIF. DESERT DISTRICT
RIVERSIDE, CA.

21 Aug 96

Sirs:

Our concerns and opposition of the Eagle Mtn dump are briefly as follows:

1 | 1. Environmental consequences

2 | 2. Effects on Joshua Tree Nat'l Park

3 | 3. Financial stability of Kaiser and MRC

4 | 4. Effect on eastern end of Coachella Valley - railroad crossings already a problem

5 | 5. Potential earthquake hazards. We feel this is impossible to address. Who among us can predict the size and damage that the "Big One" is to bring?

Response to Comment 206-1

Comment acknowledged. See General Response 5.

Response to Comment 206-2

Comment acknowledged. See General Response 3.

Response to Comment 206-3

See Response to Comments 20-51 and 20-52.

Response to Comment 206-4

Section 4.3 of the EIS/EIR addresses issues related to railroad crossings. As a result of extensive analyses related to both the hazard index and delay time at railroad crossings, the EIS/EIR concludes that the proposed Project will not result in a significant adverse impact. See Responses to Comments letter 9 and 183.

Response to Comment 206-5

The Draft EIS/EIR and ROWD include extensive studies of site seismicity and of the stability of the landfill systems, including the liner system, during earthquakes. The Draft EIS/EIR concludes that the landfill design will be stable with adequate factors of safety under seismic loading conditions that meet federal regulatory requirements and significantly exceed California regulatory requirements. Relevant information on seismicity and seismic design is presented in the following documents: (1) Draft EIS/EIR, Section 3.9.2 and Appendices H-1 to H-5; (2) ROWD, Section 5.4, Chapter 8, and Appendices D and K; and (3) ROWD Supplemental Volume 1, Sections 14.4 and Appendices R and S.

The analysis methods that have been used to predict the characteristics of the design earthquakes and the response of the landfill to the design earthquakes are consistent with the best methods currently available to practicing seismologists and earthquake engineers. For example, the analyses are consistent with the most recent relevant publication by the U.S. EPA. (Richardson, G. N., Kavazanjian, E. Jr., and Matasovi, N., RCRA Subtitle D (258), Seismic Design Guidance for Municipal Solid Waste Landfill Facilities, U.S. EPA document no. EPA/600/R-95/051, April 1995.)

With respect to earthquake size, two different methods were used to predict the size of the design earthquake: a probabilistic method satisfying federal regulations and a deterministic approach satisfying California regulations. The probabilistic approach includes terms and factors that account quantitatively for the uncertainty inherent in earthquake ground motion predictions. By using a ground motion with a 10 percent probability of not being exceeded in 250 years as the basis for design, the results of the probabilistic analysis are biased away from the expected ("best estimate") value of ground motions and towards a more conservative (i.e., larger) extreme value that incorporates the uncertainty. The deterministic approach is based upon the largest anticipated earthquake and thus is also biased away from the expected value towards a more conservative extreme value. While the ability of seismologists to predict the size of the next earthquake that will occur on a fault may not be very good, the ability to predict the largest earthquake that could occur on the fault is considered good.

Likewise, the methods used to predict the damage that could occur in the design earthquake are also biased towards conservative, upper bound estimates. These analyses assume that the largest intensity ground motions at the site are oriented in the same direction as the plane of least resistance in the landfill mass. Furthermore, the method used to calculate the response of the landfill, the "equivalent-linear" method of analysis, is known to over-estimate the intensity of shaking of the waste mass, as demonstrated in Appendix H-1 of the Draft EIS/EIR.

In summary, because there is a considerable uncertainty with respect to the size of the design earthquake and the resulting potential for damage, the analyses presented in the Draft EIS/EIR employ conservative methods and assumptions to yield a conservative, upper-bound assessment of the

6 | 6. What alternatives to dealing with garbage have been considered other than a DUMP?

Thank you,
Kathleen and Douglas Kapp

potential impact on the landfill from seismic loading. Detailed descriptions of the analyses methods used for the seismicity and seismic design analyses performed for the project are provided in the following documents: (1) Draft EIS/EIR, Section 3.9.2 and Appendices H-1 to H-5; (2) ROWD, Section 5.4, Chapter 8, and Appendices D and K; and (3) ROWD Supplemental Volume 1, Section 14.4 and Appendices R and S.

Response to Comment 206-6

The commenter is referred to Draft EIS/EIR Sections 2.2 through 2.8 for a discussion of the alternatives considered. Please see also General Response 2.

COMMENT LETTER 207

Yvette La Pierre

515 N 3rd Sreet • Grand Forks, ND 58203 • phone fax 701 746-8153
lapierre@prairie.nodak.edu

August 22, 1996

Interior Secretary Bruce Babbitt
18th and C Streets, NW
Washington, DC 20240

Dear Interior Secretary Babbitt:

Having grown up in the Mojave Desert, where desert tortoises seemed as common as squirrels do here in the Midwest, I'm saddened each time I read another article or report about the serious decline of these curious creatures. Habitat destruction caused by off-road vehicles, mining, grazing, poaching, and other activites may cause the extinction of tortoises in the Mojave Desert unless something is done to save them.

I am writing to let you know that I support full protection of the desert tortoise on Park Service and BLM lands as well as reauthorization of the Endangered Species Act with proper funding for monitoring and law enforcement. In addition, I am opposed to the landfill that is proposed on BLM land at Eagle Mountain, next to Joshua Tree National Monument and critical tortoise habitat. The landfill will attract ravens, which prey on tortoise eggs.

Implementation of these measures will not only help the desert tortoise but the entire fragile ecosystem of the Mojave Desert.

Thank you for your attention.

Sincerely,

Yvette La Pierre

cc: Senator Kent Conrad
Senator Byron Dorgan

Response to Comment 207-1

Comment acknowledged. Please see General Responses 3 and 6.

COMMENT LETTER 208

EnviroQual

G. Fred Lee & Associates

27298 E. El Macero Dr.
El Macero, California 95618-1005
Tel. (916) 753-9630 • Fax (916) 753-9956
e-mail gfredlee@aol.com

August 13, 1996

Henri R. Bisson, Manager
California Desert District
US Dept. of Interior
Bureau of Land Management
1661 South 4th Street
El Centro, CA 92243-4561

Dear Mr. Bisson:

1 You may recall that I provided extensive comments on why the Mesquite Landfill should not be permitted since it will ultimately pollute groundwaters and be significantly adverse to future generations' use of these waters for domestic water supply purposes. I wish at this time to provide additional, recently developed information pertinent to this matter. This includes an extended discussion of how BLM should have investigated the potential for this landfill to pollute groundwaters for as long as the wastes in the landfill will be a threat. Further, information is provided on landfill leachate issues. If there are questions on the enclosed materials, please contact me. I hope that the next time BLM is involved in one of these issues it will properly evaluate the potential for groundwater pollution to occur than it did with the Mesquite Landfill.

Sincerely yours,

G. Fred Lee, PhD, DEE

Copy to: P. Gruenberg, CRWQCB

GFL:jg
Enclosure

Response to Comment 208-1

Dr. Lee provided a written submittal dated August 13, 1996, addressed to Henri R. Bisson, BLM, regarding Dr. Lee's comments on the proposed Mesquite Landfill, located in Imperial County, California. The August 13, 1996, submittal contained comments of a general nature concerning evaluation of potential groundwater pollution from existing and proposed landfills, including comments on landfill containment systems, leachate collection/removal, groundwater monitoring, and closure/postclosure care. Although the comments are of a general nature and by their terms do not address the Eagle Mountain Project or the adequacy of the EIS/EIR, Dr. Lee's submittal in effect states his disagreement with the EIS/EIR analysis and expert conclusions regarding the potential for groundwater impacts from the Project. Accordingly, the following responsive comments are being provided to identify and summarize the areas of technical disagreement that exist concerning the expert opinions and conclusions identified in the EIS/EIR regarding groundwater protection and the opinions and views of Dr. Lee expressed in the August 13, 1996, submittal.

Dr. Lee writes that all landfill liner systems will fail and impact groundwater. Dr. Lee believes that landfill leachate collection and removal systems do not work due to clogging from biotic material and impurities in the leachate. Dr. Lee states that all landfills will generate substantial quantities of leachate, and that flexible, high density polyethylene (HDPE) and clay composite liner systems will fail, allowing leachate to be released to groundwater. Dr. Lee states that composite liner systems required by state and federal regulations have not been proven to be effective to contain leachate and prevent groundwater contamination. Dr. Lee further states that groundwater monitoring systems required by state and federal regulation will not detect a containment plume migrating from a landfill composite liner lead area because Dr. Lee believes wells will not be adequately spaced to detect the leakage. The basis for Dr. Lee's conclusions are set forth in his submittal, and can be described as being based largely on prior writings of G. Fred Lee and R. Anne Jones-Lee, extensively referenced in his August 13, 1996, submittal. The author does not cite, or rely on, any site-specific information pertaining to the Eagle Mountain Landfill Project site.

The preparers of the EIS/EIR have relied on site-specific hydrogeologic investigations, expert opinion, and conclusions, summarized below and referenced in the EIS/EIR to identify potential impacts to groundwater and develop mitigation measures as required by CEQA. The EIS/EIR evaluates a composite landfill liner system designed specifically for the characteristics of the site to meet or exceed state and federal requirements. The EIS/EIR determines that with the imposition of mitigation measures including the installation of a composite liner system, the potential for groundwater impacts will be mitigated to a level below significance. The basis for the EIS/EIR conclusions is summarized below.

The Eagle Mountain Landfill will generate very little, if any, leachate due to the arid climate, low annual rainfall (fewer than 4 inches), and the anticipated low (21 percent) moisture content of the incoming waste. The active landfilling (working face) area of the landfill will be kept to approximately 2 acres or less, reducing the potential for rainfall infiltration during infrequent, but heavy desert rainstorm events.

The Eagle Mountain Landfill design includes a composite (geosynthetic and compacted clay) liner system to prevent escape of any leachate. A leachate collection and removal system, using coarse permeable gravel, overlies the composite liner to drain leachate from the landfill liner system to a collection point where it is then removed by pump out of the landfill (and off of the composite liner). The leachate collection and removal system is much larger than required, particularly given the arid climate and low potential for leachate generation in any event. Leachate removal prevents the build-up of leachate hydraulic head pressure on top of the composite liner. Below the composite liner is a secondary composite liner consisting of an HDPE liner and a geosynthetic clay liner to provide additional protection against the escape of leachate. The EIS/EIR (page 4.1-11) references and summarizes the field studies and expert analyses regarding the long-term performance capabilities and durability of composite liner protection systems, which have been proven to be highly effective in containing leachate and preventing groundwater impacts from landfills.

The Eagle Mountain Landfill will also be secured with a final cover consisting of compacted soil material and flexible HDPE-type geomembrane, along with an erosion protection layer. The landfill final cover will be installed

progressively as the landfill is developed, thus providing an additional means to prevent generation of leachate from rainfall.

The Eagle Mountain Landfill will also be subject to state and federal groundwater monitoring requirements, and the design includes both a groundwater monitoring well network, as well as a vadose (unsaturated) zone monitoring system located below the primary composite liner and above the secondary composite liner. The EIS/EIR describes the groundwater monitoring well system in detail, including the basis for well placement based on site-specific hydrogeologic subsurface investigations. The EIS/EIR also describes the technical analysis and basis for monitoring the fractured bedrock beneath the site, which the hydrogeologic investigations have shown to be the equivalent of a porous medium.

The vadose zone monitoring system, which lies directly below the primary composite liner, will enable the early detection of any leachate release before such leachate could reach the secondary composite liner. The vadose zone system also includes gas monitoring not required by state or federal regulations.

The basis for the EIS/EIR analysis and conclusions are set forth in Section 3.1., 3.10, and 4.1 of the Draft EIS/EIR, as well as in more detailed information provided in Appendix C to the Draft EIS/EIR, including the Technical Advisory Panel Report prepared by a panel of experts, as well as the Report of Waste Discharge submitted to the Regional Water Quality Control Board (RWQCB), referenced in the Draft EIS/EIR and Appendix T of the EIS/EIR.

Evaluation of the Potential for a Proposed or Existing Landfill to Pollute Groundwaters[1]

G. Fred Lee, Ph.D, P.E., D.E.E. and Anne Jones-Lee, Ph.D.

G. Fred Lee & Associates
El Macero, CA 95618
Ph: (916) 753-9630
Fx: (916) 753-9956
e-mail gfredlee@aol.com

One of the issues of greatest concern on the impacts of an existing or a proposed landfill is the pollution of groundwaters by landfill leachate. Small amounts of landfill leachate can pollute large amounts of groundwater, rendering them unusable for domestic and many other purposes. Presented herein is a discussion of the issues that need to be considered in evaluating the potential for a proposed or existing landfill to pollute groundwaters that could at any time in the future be used for domestic or other purposes. This evaluation is based on a risk assessment approach that the authors developed in the early 1980s. At that time, the authors published a paper, "A Risk Assessment Approach for Evaluating the Environmental Significance of Chemical Contaminants in Solid Wastes" (Lee and Jones, 1982). This paper was the first paper published on how to conduct a risk assessment on a proposed or existing landfill. It discussed the issues that need to be considered in evaluating the risk-hazard of a landfill to impair groundwater quality at a particular location. Today, risk assessments of this type are routinely done in connection with industrial hazardous chemical sites, such as superfund sites, and should be conducted as part of developing a new or expanded landfill.

Risk Assessment Approach

The basic components of a landfill-groundwater pollution risk assessment are:

- a source of hazardous and deleterious chemicals, i.e. a proposed or existing landfill;
- a transport path from the source, i.e. groundwater, which may include as part of the pathway gas phase transport of potential pollutants; and
- a receptor, i.e. humans, animals and/or plants that may be potentially adversely impacted by the chemicals derived from the source.

Source of Pollutants

Municipal solid waste, industrial "non-hazardous" waste and industrial hazardous waste landfills contain a variety of potentially significant chemical constituents and pathogenic organisms that could be adverse to public health, groundwater quality, environment and other

[1]Report of G. Fred Lee & Associates, El Macero, California, July (1996).

interests of those within the sphere of influence of the landfill. These constituents are not necessarily just those that are classified today as "hazardous" waste. They include the regulated hazardous chemicals that are a threat to public health, such as the Priority Pollutants (heavy metals, VOCs, chlorinated solvents, etc.); the unregulated hazardous chemicals which are a threat to public health but for which there are no regulatory limits established and which are not measured in an investigation of the characteristics of landfill leachate and groundwaters polluted by landfill leachate; and the conventional pollutants, such as BOD, TOC, chemicals that cause taste and odors, H_2S, Fe, Mn, TDS, hardness, alkalinity, Cl, etc. Of concern, but often ignored, are a variety of constituents that are adverse to a homeowner's or industrial/commercial concern in terms of shortening the life of plumbing and appliances through scale formation or corrosion. While not a health hazard, such constituents represent a significant economic burden to the user of the groundwaters polluted by landfill leachate. Jones-Lee and Lee (1993) have discussed the potential for municipal landfill leachate to pollute groundwaters, rendering them unusable for domestic water supply purposes.

Even today's so-called "treated" hazardous wastes that are placed in US EPA RCRA Subtitle C landfills are not sufficiently treated to eliminate the hazards of the regulated, hazardous components in the wastes to polluting groundwaters. While normally hazardous waste landfills are only assumed to be of concern because of the hazardous wastes (Priority Pollutants) present in them, they are also of significant concern because of the non-conventional, unregulated hazardous chemicals and the wide variety of other chemical constituents present in the wastes that can render a groundwater unusable for domestic water supply purposes. These wastes also contain many conventional pollutants as well as unregulated chemicals that are a threat to public health, groundwater resources, the environment and the interests of those who use groundwaters in the vicinity of the landfill for domestic and other purposes. Even if all of the regulated so-called hazardous chemicals present in a municipal, industrial non-hazardous or hazardous waste landfill leachate-polluted groundwater occur at concentrations less than drinking water standards, these groundwaters should still not be considered safe-appropriate for use for domestic water supply purposes because of the unregulated chemicals and the conventional pollutants present therein.

The authors find that frequently landfill owners and their consultants as well as some regulatory agency personnel do not understand the full range of potential impacts that chemical constituents present in landfill leachate may have on the use of a leachate-polluted groundwater for domestic or other purposes. The landfill permit applicant should be required to provide a detailed discussion of the potential adverse impacts of each of the constituents potentially present in the landfill leachate on the use of the groundwaters for domestic water supply or other purposes.

Contaminating Lifespan. While landfill applicants often assert that the contaminating lifespan of a proposed landfill will be less than 30 years, i.e. the minimum post-closure care period specified by RCRA, it is more appropriate to conclude that the contaminating lifespan of today's "dry tomb" landfills (plastic sheeting and clay lined landfills) will more likely be on the order of a thousand or more years. As discussed by Lee and Jones-Lee (1992, 1993a) the 30-year

post-closure care period dictated by Congress was a significant error in developing RCRA. Those who assume that municipal and industrial hazardous waste landfills will only be a threat for 30 years did not properly distinguish between the period of time that classical unlined sanitary landfills tend to produce significant amounts of landfill gas and the leaching of waste constituents in the landfill that cause landfill leachate to be a threat to groundwater quality.

The classical, unlined, permeable cover sanitary landfill allowed appreciable moisture to enter the landfill's wastes and thereby promote landfill gas production through bacterial fermentation processes. This moisture also produced leachate through leaching of the soluble waste components. As discussed in Lee and Jones (1992) and Lee and Jones-Lee (1996a), in today's "dry tomb" landfills where there is an attempt to keep the wastes dry, the fermentation and leaching of the wastes to produce landfill gas and leachate will take place over a very long period of time. From a conservative-protective perspective, it should be assumed, unless it can be convincingly demonstrated otherwise, that the contaminating lifespan of an existing or proposed landfill will be at least several hundred years, and likely, a thousand or more years.

The landfill owner/operator should be required as part of permitting the landfill and evaluating the potential for the landfill to pollute groundwaters to reliably estimate the potential contaminating lifespan of the landfill.

Transport Mechanism

A key issue of concern with respect to the potential for a landfill to pollute groundwaters is whether there is a transport mechanism via groundwater by which hazardous and deleterious chemicals present in the landfill could, at some time in the future, be transported from the landfill to the wells of interest to a downgradient property owner-user at sufficient concentrations and for sufficient duration to be adverse to the use of this water for domestic or other purposes.

The transport of hazardous and deleterious chemicals from landfills can occur for considerable distances via gas phase transport in the unsaturated (vadose) zone. Such transport does not require direct hydraulic connection between the landfill and the groundwaters of the region. Prosser and Janechek (1995) have described appreciable updownwatergradient pollution of groundwaters by gas phase transport of VOCs at landfills. Landfill applicants should be required to evaluate the potential for gas phase transport of hazardous and deleterious chemicals that can lead to groundwater pollution as part of permitting the landfill. Of particular concern is how the landfill owner will detect such transport, what steps will be taken when found and the amount and source of funds needed to control further transport by this mechanism as well as to remediate the contaminated vadose zone and groundwaters arising from it.

Typically, landfill applicants assert that even if the landfill liners fail to prevent leachate from migrating through the liner, the natural strata will present the transport of leachate-derived constitutes from the base of the landfill to off-site (adjacent or nearby properties within the sphere of influence of a landfill) groundwaters. However, it is the experience of the authors that these assertions are based on a superficial analysis of the real risk that a landfill represents to

the pollution of groundwaters hydraulically connected to it for as long as the wastes in the landfill represent a threat. It is important in making this evaluation to assume that, except under very rare situations, if there is a hydraulic connection between the base of the landfill and off-site groundwaters, that based on today's landfilling approach it is only a matter of time until the off-site groundwaters are polluted by landfill leachate, rendering them unusable for domestic and many other purposes.

Receptor

The domestic, commercial/industrial, agricultural and other water supply wells of a region are the points at which there is concern about the potential impacts of leachate pollution of groundwaters that could impair the use of these waters for human consumption and the support of agricultural and other activities. Municipal and industrial landfill leachate contains a wide variety of hazardous and deleterious chemicals at high concentrations that could cause a water supply well to have to be abandoned. The US EPA (1988a) concluded as part of promulgation of its municipal landfilling regulations that any water supply well that is contaminated to any extent with municipal landfill leachate must be abandoned and a new well constructed as an alternative water supply source. The same situation would apply to wells contaminated by today's hazardous waste landfill leachates. In areas with large amounts of surplus groundwaters, abandoning a well, while costly, is possible. However, in many areas, especially during droughts, there is no surplus groundwater and therefore all groundwaters must be protected from pollution by landfill leachate for as long as the wastes represent a threat.

Plausible Worst-Case Polluted Groundwater Transport Scenario

One of the key issues that needs to be addressed by landfill applicants/owners is an evaluation of plausible worst-case conditions where the landfill containment system (cover, liners, leachate collection removal system and groundwater monitoring) fails to prevent leachate-contaminated groundwaters that arise at the edge of the landfill from trespassing into adjacent properties. It is suggested that a landfill owner/applicant should develop a plausible worst-case scenario evaluation of how long it would take for leachate-polluted groundwaters arising at the landfill to reach adjacent groundwaters and wells of importance to adjacent and nearby property owners and users.

It is our experience that normally groundwaters do not move more than a few feet per day. This experience, however, is based on sand and gravel aquifer systems. In fractured rock and limestone systems, the rates of groundwater movement can be significantly different. It is important in making a plausible worst-case scenario evaluation to assume the fastest possible transport based on the measurements made, rather than the mean or some other approach that is used to try to convince regulatory agencies and others that a landfill is "safe" for a region.

If there are significant gaps in information needed to reliably make an estimate of plausible worst-case transport of leachate-polluted groundwaters to a region, then these information gaps should be defined and a program should be developed to obtain the necessary

information as part of additional studies of the environmental assessment for the existing or proposed landfill.

It should not be assumed, as is often done, that the landfill liner systems of the type being used today under RCRA Subtitle C and D (single or double composite-lined landfills) will prevent leachate from passing through the liner system and entering the underlying groundwater system. The US EPA (1988a) as part of developing Solid Waste Disposal Criteria with reference to composite-lined (plastic sheeting and compacted clay) landfills stated,

> *"First, even the best liner and leachate collection system will ultimately fail due to natural deterioration, and recent improvements in MSWLF (municipal solid waste landfill) containment technologies suggest that releases may be delayed by many decades at some landfills."*

The US EPA (1988b) Criteria for Municipal Solid Waste Landfills stated,

> *"Once the unit is closed, the bottom layer of the landfill will deteriorate over time and, consequently, will not prevent leachate transport out of the unit."*

While these statements were made with reference to the development of municipal solid waste Subtitle D single composite liner systems, they are applicable to Subtitle C and D double composite liner systems. Therefore, landfill liner systems of this type cannot be relied on to protect groundwaters from pollution by landfill leachate. At best, they only postpone for a period of a few tens of years when pollution occurs. Lee and Jones (1992) and Lee and Jones-Lee (1996b) have reviewed the properties of landfill liner materials and liner systems with respect to their ability to prevent leachate passing through them for as long as the wastes in the landfill represent a threat. While there are some consultants, such as Fluet *et al.* (1992) and Tisinger and Giroud (1993), claim that today's landfill liner systems using plastic sheeting (flexible membrane liners) and compacted clay will be protective of groundwater resources, the facts are that this protection will be for a limited period of time compared to the time that the wastes in the landfill will be a threat.

This issue has been discussed by Lee and Jones-Lee (1993b) and Lee (1994) where they point out that statements about how the "protection" provided by flexible membrane liners represents superficial, inadequate assessment of the issues of concern to those who own or use adjacent or nearby properties to a landfill. They and all future generations who may own or use these properties want and should be entitled to groundwaters free from leachate pollution for as long as the wastes in a landfill will be a threat, i.e. forever. Lee and Jones (1992) have discussed the fundamentally flawed technological approach that was adopted by Congress and implemented by the US EPA as part of RCRA of attempting to develop protective "dry tomb" type landfills for any landfill that is sited where there are groundwaters hydraulically connected to the base of the landfill that could be used in the infinite future for domestic water supply purposes.

Haxo and Lahey (1988) have discussed the transport of organic solvents through intact (without holes) flexible membrane liners. This process is described as "permeation" where the solvents dissolve into the plastic liner material and exit the liner material on the downgradient side (outside the landfill). Sakti *et al.* (1991) have provided information on the rate of penetration of HDPE geomembrane liners by a variety of dilute aqueous solutions of organic solvents. Common organic solvents that are often disposed of as wastes in landfills can quickly pass through an HDPE liner. This is of particular importance since these chemicals are significant threats to groundwater pollution through their high mobility, persistence and potential to cause cancer in those using domestic water supplies containing these solvents.

Attenuation of Chemical Pollutants in Leachate

In making the estimate of the plausible worst-case (fastest) travel time between when the landfill liner containment system fails and off-site groundwater pollution occurs, consideration should be given to estimating the amount of attenuation based on the dilution and dispersion that could occur in the geological strata in the transport from the landfill to a potential off-site well. If there are no wells currently located near the landfill-adjacent property owner property line, it should be assumed for the risk assessment that an adjacent property owner at some time in the future should have the right to construct a well near the property line that would be able to pump groundwaters that are free of landfill leachate. This issue is not just having the few regulated chemicals currently regulated by RCRA Subtitle C and D at concentrations below drinking water MCLs. Because of the health hazards of the non-regulated chemicals and the frequent finding of additional chemicals that need to be regulated associated with municipal and industrial wastes (non-conventional pollutants), the groundwaters at the adjacent property line should be free of all constituents present in municipal solid waste (MSW) leachate independent of whether their concentration exceeds a current drinking water MCL.

It is important not to assume any adsorption, biological transformations and chemical reactions as part of this attenuation since they are likely to be small for a variety of constituents in the landfill leachate that could be adverse to water supply interests. For these types of chemicals, the only mechanism for decreasing the concentration of leachate-derived pollutants with travel distance that should be assumed to be important are dilution and dispersion.

An important issue that should be addressed as part of evaluating the potential for leachate leakage from a landfill to pollute the groundwaters is the expected concentration of leachate-derived constituents in these groundwaters. Since the groundwaters in the vicinity of a landfill are derived to a considerable extent from upgradient sources, there will be a mixing-dilution process that occurs between any leachate-polluted groundwater arising from the landfill and the groundwater in the vicinity of the landfill that ultimately will be transported off-site. Landfill applicants/owners should estimate the worst-case concentrations of leachate-polluted groundwaters that could arise within the vicinity of the landfill that would be transported off-site. These would be the initial concentrations of constituents that could, through off-site transport, pollute downgradient wells.

One of the issues of concern is the level of knowledge in the literature about dilution and dispersion in fractured rock and limestone systems. This is an area that needs to be better understood. If it can be reliably concluded that during the transport from the landfill to the off-site area that sufficient dilution and dispersion of the constituents in the landfill leachate would occur to reduce the concentrations below any critical levels, then the likelihood of the landfill being adverse to downgradient wells would be small. In making this assessment, typical leachate concentrations of hazardous and deleterious chemicals should be assumed to occur in leachate at the landfill. Further, it should be assumed that a critical concentration of 0.01 μg/L is appropriate for the unregulated, potentially hazardous organics that are present in landfill leachate. From this critical concentration it would be possible to back-calculate to the landfill using the estimated dilution and dispersion to determine what concentrations of unregulated hazardous chemicals could be present in the leachate and still not be hazardous to public health.

It is important to understand that most landfill leachate, whether hazardous or non-hazardous, has hundreds to thousands of mg/L of total organic carbon whose characteristics and therefore health hazards are unknown and which could contain yet unrecognized or unregulated hazardous chemicals. Today about 70,000 chemicals are used in the US; only about 200 of these are regulated. There is, therefore, a wide arena of potentially hazardous chemicals that could be present in industrial and municipal landfill leachate that represents a threat to groundwater quality and public health. Any credible review of the potential of a landfill to pollute groundwaters must consider the potential for the unregulated chemicals in the wastes to be adverse to those who use the groundwater for domestic or other purposes.

Groundwater Water Quality Monitoring

One of the issues that must be addressed in connection with assessing the hazard that a landfill represents to groundwater quality is the ability of a groundwater monitoring system to detect pollution of groundwaters by landfill leachate before widespread pollution occurs. While landfill owners/operators often assert that a groundwater monitoring system would be established to detect leachate-polluted groundwaters if the landfill containment system fails, landfill owners typically provide little or no information on the reliability of the groundwater monitoring systems proposed to detect leachate-polluted groundwaters before widespread pollution occurs. Landfill owners/operators should be required to provide detailed information on the ability of the groundwater monitoring system in place and/or proposed to reliably detect leachate-polluted groundwater at the point of compliance for groundwater quality protection.

Cherry (1990) and Lee and Jones-Lee (1994) have discussed the highly unreliable nature of Subtitle C and D landfill monitoring programs which involve the use of vertical monitoring wells located at the point of compliance at or just groundwater downgradient of the edge of the landfill waste deposition area to detect leachate-polluted groundwaters before widespread pollution occurs. These monitoring wells are often spaced hundreds to a thousand or so feet apart. Each well has a zone of capture of a radius of about one foot. As Cherry (1990) points out, the initial leakage of landfill leachate from plastic sheeting-lined landfills will produce finger-like plumes of leachate of a few feet in width at the point of compliance. This means that

today's RCRA landfill groundwater monitoring systems have a very low probability of detecting leachate-polluted groundwaters before widespread pollution occurs. The landfill owner/operator, as part of evaluating the potential of a landfill to pollute off-site groundwaters, should be required to estimate how reliably their groundwater monitoring system could detect leakage of leachate through the liners near the downgradient edge of the landfill, i.e. plausible worst-case liner failure scenario.

It is well-known that groundwater monitoring in fractured rock is virtually impossible to carry out reliably. The basic problem is that the flow occurs through fractures-cracks in the rock. This means that monitoring wells spaced even a few feet apart may not be able to detect leachate transport through the bedrock unless they happen to intercept the fracture(s) that are principally responsible for leachate transport. Haitjema (1991) characterizes monitoring groundwaters for leachate leakage in fractured rock systems near landfills as,

> *"Monitoring wells in the regional aquifer* [consisting of fractured rock] *are unreliable detectors of local leaks in a landfill."*
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> *"The design of monitoring well systems in such an environment is a nightmare and usually not more than a blind gamble."*

Great caution must be exercised in permitting landfills sited within or above complex geological strata where the hydrogeology of the region is not adequately defined to be able to predict with a high degree of certainty the ability of a groundwater monitoring well(s) to detect leachate pollution of groundwaters at the point of compliance before passage of this leachate beyond this point occurs.

Production Well Water Quality Monitoring

Because of the fundamental inherent unreliability of groundwater monitoring systems for lined landfills, additional monitoring is mandatory in order to protect the health, welfare and interests of those potentially impacted by the pollution of groundwaters by landfill leachate. Such an approach could involve the landfill owner committing to monitor production wells within the potential sphere of influence of the polluted groundwaters that could be developed under plausible leakage conditions associated with the development of the landfill. A production well is defined as any well that is used by a property owner as a water supply source for any purpose. This monitoring program would be designed to detect incipient (initial) contamination by leachate-derived constituents before significant harm is done. It would need to be carried out effectively forever where on a quarterly basis, samples would be taken of all existing and any future developed off-site production wells and analyzed for constituents that would indicate that landfill leachate is being found in the well at low concentrations.

Typical municipal solid waste and industrial hazardous and non-hazardous waste leachates have a characteristic signature (chemical composition) for a group of conservative (non-reactive) chemicals that can be used to indicate when leachate first begins to contaminate a well. Lee and

Jones (1983) in their discussion on groundwater monitoring point to the importance of utilizing changes in concentrations of conservative chemicals as an indicator of incipient groundwater pollution. As a result of appropriately conducted chemical analyses of groundwater, it is possible to detect when leachate contamination of groundwater first begins to occur before significant harm is done to the users of the groundwater. At that point, the use of the groundwater can be terminated provided that an alternative water supply is available to meet the needs of the well owner.

When sufficient data have been collected from the quarterly monitoring of production wells so that small changes in water quality can be reliably detected, the frequency of monitoring could be reduced to semi-annually and then possibly, annually. However, the development and implementation of this program will require a much more sophisticated approach toward groundwater monitoring than is typically done in monitoring groundwaters for landfill leachate pollution. Such a program should be carried out by experts and should be conducted by a third-party independent consultant who would report the results to a citizens advisory committee overseeing the landfill operations and impacts. The funding of this monitoring program should be provided by the landfill owner where there is *ad infinitum* assured funding.

The potential worst-case sphere of influence would be judged by the shortest possible time that leachate-polluted groundwaters could travel from the landfill to the location of a production well. Once, the projected worst-case plume could have possibly passed the location of a production well, then the monitoring of that well would be initiated and continued *ad infinitum*.

Liner Leakage in Double Composite Lined Landfills

Lee and Jones-Lee (1994) have discussed an alternative approach for monitoring liner leakage for double composite lined landfills than vertical monitoring wells at the point of compliance. This approach is patterned after the state of Michigan's Rule 641 monitoring where for double composite lined landfills the lower composite liner serves as a leak detection system for the upper composite liner. When leachate is found in the leak detection system between the two composite liners at sufficient concentrations to pollute the groundwaters underlying the landfill if the lower composite liner were not present, then the upper composite liner should be judged as having failed. Under these conditions, it is only a matter of time until the lower composite liner fails, if it has not already failed, and groundwater pollution occurs or will soon occur.

It is important to point out that typically landfill permitting agencies today allow liner leakage rates for upper composite liners well above those that could cause significant groundwater pollution if the lower composite liner were not present. Often, liner action leakage rates are based on what can be achieved with plastic sheeting and compacted clay liners rather than what is needed to protect groundwaters from pollution by landfill leachate. At some sites, leakage of leachate through a composite liner at a rate of more than a few gallons per acre per day is sufficient so that, in time, groundwater pollution will occur when the lower composite

liner and the associated leak detection system between the two composite liners are no longer effective in collecting leachate that leaks through the upper composite liner. The landfill owner/operator should be required to conduct a plausible worst-case scenario evaluation of the liner action leakage rate that should be allowed at a particular landfill in order to protect groundwaters from leachate pollution associated with the eventual failure of the lower composite liner in a double composite lined system.

Lee and Jones-Lee (1995a, 1996c) have provided information on how municipal solid waste and hazardous waste landfills can be developed to provide for true protection of public health, groundwater resources, the environment and the interests of those within the sphere of influence of the landfill. As they discuss, when the upper composite liner fails to prevent leachate from passing through it, the landfill owner/operator must then take corrective action which will stop leachate generation, such as the installation and/or maintenance of a leak detectable cover on the landfill and, if necessary, exhumation of the wastes. A key component of this suggested approach for monitoring liner leakage is the availability of sufficient funds to operate and maintain a leak detectable cover for as long as the wastes in the landfill will be a threat, i.e. effectively forever, as well as to exhume the wastes if leachate leakage through the upper composite liner cannot be stopped.

With respect to maintaining the integrity of the landfill cover, the landfill owner should define how they will detect areas of the cover where moisture could pass through the cover and generate leachate within the landfill, how the repairs will be made, cost of such repairs and the sources of funds needed to detect and make these repairs for as long as the wastes in the landfill represent a threat. Lee and Jones-Lee (1994) report that the only reliable approach to ensure that adequate funding will, in fact, be available for landfill cover leak detection operation and maintenance when needed is to require that the owner/operator of the landfill develop a dedicated trust fund of sufficient magnitude to provide for *ad infinitum* landfill cover maintenance and, if necessary, waste exhumation, treatment and management.

Commitment to Provide Alternative Water Supply Sources

Because of the high probability of the pollution of groundwaters by landfill leachate from today's "dry tomb" landfills, the landfill owner should commit to a program of providing the funds necessary to provide alternative water supplies to those potentially impacted by leachate-polluted groundwater for as long as the wastes in the landfill, and any polluted groundwaters that could develop from it, represent a threat. For planning purposes, it should be assumed that this period of time is forever. A well-defined program for the development of alternative water supplies for those potentially impacted by the landfill should be formulated with the development of the landfill or its continued operation. Of key importance is the source of the funds that will be available *ad infinitum* to implement this alternative water supply program. This source should be discussed and evaluated with respect to its reliability as part of the permitting of the landfill.

Evaluate Possible Remediation Approaches

While the pollution of groundwaters by landfill leachate can never be assumed to be completely remediable where the once- polluted groundwater "after remediation" would be considered "safe" for human consumption, it is possible to provide high degrees of treatment of leachate-polluted groundwaters so that these waters may be used for a variety of purposes. Landfill owners should discuss in detail the remediation approaches that could, and would if necessary, be implemented should an off-site production well be found to be threatened or contaminated by landfill-derived leachate.

The primary purpose of groundwater remediation would be to stop the spread of leachate-polluted groundwaters. The remediation program should be conducted at two locations: near the polluted production well as well as near the landfill. The latter should be designed to stop the off-site transport of leachate-polluted groundwaters. The landfill owner should define as part of permitting the landfill how they would proceed to accomplish groundwater quality remediation in both areas. Particular attention should be given to how such remediation would be funded at any time in the future when the wastes in the landfill could be a threat to pollute groundwaters.

Further, if it should develop that it proves to be difficult, if not impossible, to stop the landfill-derived off-site transport of leachate-polluted groundwaters, then the landfill owner should be required to exhume-mine the wastes in the landfill as a possible remediation activity that eliminates the landfill as a future source of polluted groundwater. Landfill mining is now being accomplished at a number of locations in the US. One of the purposes of such mining is the stopping of further groundwater pollution by the landfill.

Funding of Groundwater Quality Protection

The magnitude of the funding for landfill cover leak detection operation and maintenance, alternative water supplies for leachate-polluted groundwaters and plausible worst-case remediation programs for contaminated groundwaters near production wells and near the landfill as well as waste exhumation should be defined, and a dedicated trust fund of sufficient magnitude to address all plausible worst-case scenario situations should be established by the landfill owner at the time of the permitting of the landfill. It is important to note that while current regulatory approaches allow other financial instruments to be used to fund post-closure landfill monitoring and maintenance. As discussed by Hickman (1992, 1995), the financial arrangements not involving a dedicated trust are often unreliable and should not be used.

This trust fund would be paid for by the people/firms who generate the wastes as part of landfill disposal fees. This fund should be established for an infinite period of time. If, at some time in the future, hundreds to a thousand or more years after landfill closure it is found that the landfill no longer represents a threat to cause groundwater pollution and no pollution of the unsaturated zone as well as the groundwaters has occurred, then it would be possible to return these funds those in the area who generated the fund.

Resolution of Conflict Between Experts

One of the issues associated with the development of landfills and in conducting a risk assessment for the potential for an existing or proposed landfill to pollute groundwaters at any time in the future while the wastes in the landfill represent a threat is a conflict between technical experts on groundwater pollution issues. Frequently, non-expert public groups responsible for formulating policy face trying to determine which experts' presentation of information is most reliable. Far too often, decisions of this type are based on a non-technical assessment, such as the demeanor of the expert, rather than a critical in-depth review of technical issues.

This is an issue that has been of concern to the authors for a number of years. The American Society of Civil Engineers has published a review of this issue developed by the authors (Lee and Jones-Lee, 1995b) entitled, "Environmental Ethics: The Whole Truth." This article is based on a report that the authors developed entitled, "Practical Environmental Ethics: Is There an Obligation to Tell the Whole Truth?"

In the authors' discussions of this issue, they have recommended that should a situation develop where disputes occur between experts in a topic area that the dispute should be resolved by a panel of experts who require that each of the opposing experts presents the technical basis for their position on an issue in a full peer-review arena where all information in support of an expert's opinion is available for review by the panel and the public. The panel of experts would then recommend to the public body responsible for formulating a decision on an issue the appropriateness of each of the opposing experts' positions on the issue in dispute. This peer review process would be paid for by the landfill applicant.

The burden of proof for demonstrating the safety of a landfill should be on the landfill applicant. In those situations where there is a lack of adequate information to properly define the risk of a landfill, the landfill applicant must obtain the needed information before further consideration of permitting the landfill can be conducted.

Adoption of this approach can lead to a better resolution of the "whole truth" concerning the potential of a landfill to pollute groundwaters in a region by landfill leachate for as long as the landfill will be a threat to groundwater pollution.

Summary of Issues in the Characterization of the Risk of a Landfill to Pollute Groundwaters

The landfill permit applicant as part of permitting the landfill and its continued operation-expansion should be required to conduct a comprehensive, in-depth risk assessment of the potential of the landfill to pollute groundwaters associated with the landfill with landfill leachate-derived constituents and landfill gas for as long as the wastes in the landfill will be a threat. This risk assessment should include the following components:

- It should not be assumed that the only chemicals of concern in landfill leachate are the small number of regulated hazardous chemicals currently considered by US EPA RCRA Subtitle C and D. All chemicals and pathogenic organisms present in the landfill that could potentially adversely impact the beneficial uses of a groundwater for domestic or other purposes should be evaluated.

- It should be assumed that the waste in a "dry tomb" type landfill will be a threat to groundwater quality, effectively forever.

- It should be assumed that the groundwaters of concern for pollution by landfill leachate are the groundwaters that exist at the point of compliance for groundwater monitoring and at the landfill-adjacent property owner's property line.

- It should be assumed that the landfill containment system consisting of a landfill cover and a single or double composite liner will eventually fail to prevent leachate from passing through it that could pollute groundwaters hydraulically connected to the landfill.

- The landfill permit applicant should be required to reliably estimate the potential contaminating lifespan of the landfill, i.e. how long the wastes in the landfill will be a threat to cause impairment of the uses of the groundwater.

- The landfill permit applicant should be required to estimate the composition of leachate that could be developed in the landfill considering all constituents in the wastes that represent a threat to groundwater quality from any perspective, including regulated hazardous chemicals, unregulated hazardous chemicals, conventional pollutants and all other constituents that could be detrimental to the use of a groundwater for domestic or other purposes, including those that represent economic burdens to groundwater users.

- The landfill permit applicant should be required to provide a detailed discussion of the potential adverse impacts of each of the constituents potentially present in the landfill leachate on the use of the groundwaters for domestic water supply or other purposes.

- The landfill permit applicant should be required to estimate the expected service life of the landfill cover, liner system and leachate collection and removal system. With respect to maintaining the integrity of the landfill cover in order to prevent leachate generation, the landfill permit applicant should define how they will detect areas of the cover where moisture could pass through the cover and generate leachate within the landfill, how the repairs will be made, the cost of such repairs and the sources of funds needed to detect and make these repairs for as long as the wastes in the landfill represent a threat.

- The landfill permit applicant should estimate the amount of permeation of dilute solutions of organic solvents that could occur through the intact landfill liner and the potential consequence of the permeated solvents on groundwater quality.

- The landfill permit applicant should be required to evaluate the potential for gas phase transport of hazardous and deleterious chemicals that can lead to groundwater pollution as part of permitting the landfill. The magnitude of this pollution should be estimated as well as information should be provided on how gas phase transport of VOCs would be detected and controlled.

- The landfill permit applicant should develop a plausible worst-case scenario evaluation of how long it would take for leachate-polluted groundwaters arising at the landfill to reach adjacent groundwaters and wells of importance to adjacent and nearby property owners and users.

- If natural strata and dilution and dispersion are to play any significant role in protecting off-site groundwaters from pollution by landfill leachate, the landfill applicant should be required to reliably define, using worst-case scenario evaluation approaches, the magnitude of protection provided by the natural strata, dilution, dispersion and any other attenuation mechanism that is thought to be potentially important in reducing the concentrations of constituents in landfill leachate that passes through the liner system at the point of groundwater monitoring compliance and at the point where a production well could be constructed at any time in the future on adjacent property owners' lands.

- The landfill permit applicant should be required to provide detailed information on the ability of the groundwater monitoring system in place and/or proposed to reliably detect leachate-polluted groundwater at the point of compliance for groundwater quality protection. This estimate should be based on a plausible worst-case liner failure scenario in which failure of the liner occurs near the downgradient edge of the waste deposition area.

- The landfill permit applicant should be required to fund an off-site production well incipient groundwater pollution detection program that would be active for as long as the wastes in the landfill would be a threat. The details of this program should be provided and the source of funds needed to carry out this program for as long as the wastes in the landfill represent a threat should be defined.

- The landfill permit applicant should be required to conduct a plausible worst-case scenario evaluation of the liner action leakage rate that should be allowed at the proposed landfill or landfill expansion in order to protect groundwaters from leachate pollution associated with the eventual failure of the lower composite liner in a double composite lined system.

- The landfill permit applicant should commit to a program of providing the funds necessary to provide alternative water supplies to those potentially impacted by leachate-polluted groundwater for as long as the wastes in the landfill, and any polluted groundwaters that could develop from it, represent a threat. The details on how this program would be implemented and the sources of funding that will be used for the

implementation should be defined for as long as the wastes in the landfill represent a threat.

- The landfill permit applicant should commit to conducting groundwater remediation should pollution of groundwaters be found at any time in the future. The details of the remediation approaches, magnitude of funding needed and the source of the funds that would be used to develop the groundwater remediation program should be provided.

- The landfill permit applicant should define the magnitude of the funding needed for landfill cover leak detection operation and maintenance, alternative water supplies for leachate-polluted groundwaters and plausible worst-case remediation programs for contaminated groundwaters near off-site production wells and near the landfill as well as waste exhumation. If an alternative financial instrument to a dedicated trust fund is proposed, the reliability of this financial instrument should be evaluated by the landfill permit applicant considering the time that the wastes in the landfill will be a threat. For planning purposes, this period of time should be considered to be infinite.

- The landfill permit applicant should develop a public peer review approach for resolution of any disputes among qualified experts on issues associated with assessing the potential for the proposed landfill or landfill expansion to pollute groundwaters for as long as the wastes in the landfill represent a threat. The landfill permit applicant should discuss the amount of funds that they will make available for proper independent peer review of technical issues associated with landfill development.

Summary

Today the permitting of landfills and landfill expansions typically does not lead to a credible review of the potential for a landfill to pollute the groundwaters with landfill leachate for as long as the wastes in the landfill will represent a threat. Frequently, landfill applicants assert as part of permitting a landfill and/or its continued operations that the landfill location, design, operation, closure and post-closure care meet the regulatory requirements of Subtitle C or D, dependent on the type of the landfill. However, they do not discuss the fact that US EPA RCRA Subtitle C and D landfills using plastic sheeting and clay composite liners will eventually fail to prevent leachate from migrating through them and, at best, will only postpone when groundwater pollution occurs. Current RCRA landfilling regulations are badly out-of-date and are largely based on an early 1980s understanding of the ability of plastic sheeting and compacted clay liners to prevent leachate from passing through them and thereby polluting groundwaters in the vicinity of the landfill. As discussed by Lee and Jones-Lee (1996d), there is an urgent need to revise RCRA so that the highly significant deficiencies in today's Subtitle C and D landfilling approaches are eliminated.

With few exceptions, today's "dry tomb" landfills will represent a threat to the groundwater resources within a region, effectively, forever. A properly conducted risk-hazard assessment of the type described herein would provide a technical base of information that would

enable the public, regulatory agencies and the landfill owner/operator to evaluate the potential that a landfill has to pollute groundwaters in the vicinity of the landfill for as long as the wastes in the landfill represent a threat. It is urged that all permitting of landfills require that the landfill applicant conduct this type of review and present the information in sufficient detail so that it can be subjected to a public peer review of the issues of concern. Adopting this approach will enable the development of appropriate landfill regulations and landfill design, operation, closure and post-closure care to truly protect the groundwaters hydraulically connected to a landfill from pollution by landfill leachate for as long as the wastes in the landfill represent a threat.

References

Cherry, J., "Groundwater Monitoring: Some Deficiencies and Opportunities," IN: Hazardous Waste Site Investigations: Towards Better Decisions, Proc. 10th ORNL Life Sciences Symposium, Gatlinburg, TN, May 1990, Lewis Publishers (1990).

Fluet. J.E., Badu-Tweneboah, K., Khatami, A., "A Review of Geosynthetic Liner System Technology," Waste Management & Research, 10:47-65 (1992).

Haitjema, H., "Ground Water Hydraulics Considerations Regarding Landfills," Water Res. Bull. 27(5):791-796 (1991).

Haxo, H.E. and Lahey, T.P., "Transport of Dissolved Organics from Dilute Aqueous Solutions through Flexible Membrane Liners," Hazardous Wastes & Hazardous Materials,5(4):275-294 (1988).

Hickman, L., "Financial Assurance - Will the Check Bounce?" Municipal Solid Waste News, Solid Waste Association of North America, March (1992).

Hickman, L., "Ticking Time Bombs?" Municipal Solid Waste News, Solid Waste Association of North America, March (1995).

Jones-Lee, A. and Lee, G.F., "Groundwater Pollution by Municipal Landfills: Leachate Composition, Detection and Water Quality Significance," Proc. Sardinia '93 IV International Landfill Symposium, Sardinia, Italy, pp. 1093-1103 (1993).

Lee, G.F., "Comments on Tisinger and Giroud 'The Durability of HDPE Geomembranes'," Submitted as Letter to the Editor, Geotechnical Fabrics Report, Minneapolis, MN, 4pp (1994).

Lee, G.F. and Jones, R.A., "A Risk Assessment Approach for Evaluating the Environmental Significance of Chemical Contaminants in Solid Wastes," In: Environmental Risk Analysis for Chemicals, Van Nostrand, New York, pp 529-549 (1982).

Lee, G.F. and Jones, R.A., "Guidelines for Sampling Groundwater," Journ. Water Pollut. Control Fed. 55:92-96 (1983).

Lee, G F. and Jones, R.A., "Municipal Solid Waste Management in Lined, 'Dry Tomb' Landfills: A Technologically Flawed Approach for Protection of Groundwater Quality," Report of G. Fred Lee & Associates, El Macero, CA, 68pp (1992).

Lee, G.F. and Jones-Lee, A., "Municipal Landfill Post-Closure Care Funding: The 30-Year Post-Closure Care Myth," Report of G. Fred Lee & Associates, El Macero, CA, 19pp (1992).

Lee, G.F. and Jones-Lee, A., "Landfill Post-Closure Care: Can Owners Guarantee the Money Will Be There?" Solid Waste and Power, 7(4):35-39 (1993a).

Lee, G.F. and Jones-Lee, A., "Geosynthetic Liner Systems for Municipal Solid Waste Landfills: An Inadequate Technology for Protection of Groundwater Quality?" Waste Management & Research, 11(4):354-360 (1993b).

Lee, G.F. and Jones-Lee, A., "A Groundwater Protection Strategy for Lined Landfills," Environmental Science & Technology, 28:584-5 (1994).

Lee, G.F. and Jones-Lee, A., "Recommended Design, Operation, Closure and Post-Closure Approaches for Municipal Solid Waste and Hazardous Waste Landfills," Report of G. Fred Lee & Associates, El Macero, CA, 14pp, August (1995a).

Lee, G.F. and Jones-Lee, A., "Environmental Ethics: The Whole Truth," *Civil Engineering*, Forum, 65:6 (1995b).

Lee, G.F. and Jones-Lee, A., "Dry Tomb Landfills," MSW Management, 6(1):82-89 (1996a).

Lee, G.F. and Jones-Lee, A., "Detection of the Failure of Landfill Liner Systems," Report of G. Fred Lee & Associates, El Macero, CA, (1996b).

Lee, G.F. and Jones-Lee, A., "Landfill Leachate Management: Overview of Issues," To be published in MSW Management, April (1996c).

Lee, G.F. and Jones-Lee, "Three R;s Managed Garbage Protects Groundwater Quality," Report of G. Fred Lee & Associates, El Macero, CA, Submitted for publication to New York Times Magazine, July (1996d).

Prosser, R. and Janechek, A., "Landfill Gas and Groundwater Contamination," In: Landfill Closures...Environmental Protection and Land Recovery, Proc. of American Society of Civil Engineers, Geotechnical Special Publication No. 53, ASCE, New York, pp.258-271 (1995).

Sakti, J.P., Park, J.K., and Hoopes, J.A., "Permeation of Organic Chemicals through HPDE Geomembranes," In: Proc. of ASCE National Environmental Engineering Conference, ASCE, New York (1991).

Tisinger, L.G. and Giroud, J.P., "The Durability of HDPE Geomembranes," Geotechnical Fabrics Report, p. 4-8, September (1993).

US EPA, "Solid Waste Disposal Facility Criteria; Proposed Rule," Federal Register 53(168):33314-33422, 40 CFR Parts 257 and 258, US EPA, Washington, D.C.(1988a).

US EPA, "Criteria for Municipal Solid Waste Landfills," US EPA Washington D.C. (1988b).

Detection of the Failure of Landfill Liner Systems[1]

G. Fred Lee, PhD, PE, DEE and Anne Jones-Lee PhD
G. Fred Lee & Associates
El Macero, CA 95618
Ph: (916) 753-9630
Fx: (916) 753-9956
gfredlee@aol.com

It has been found that frequently, as part of permitting a new landfill or landfill expansion, landfill applicants and/or their consultants will claim that there is no evidence that the US EPA RCRA Subtitle C (hazardous waste) double composite-lined landfills and Subtitle D (municipal solid waste - MSW) single composite-lined landfills have failed to prevent leachate from passing through the liner system and polluting groundwaters. This situation then leads landfill applicants to try to convince regulatory agencies and others that, since there is no evidence for groundwater pollution by the plastic sheeting-lined landfills, this approach must be protective of groundwater quality and therefore a proposed landfill with this type of liner should be approved. Basically, the landfill applicants are trying to shift the burden of proof for protection of groundwater from the applicant to the regulatory agencies and/or the public where it is up to the agency - public to prove that the plastic sheeting-lined landfills will be protective of the groundwater resources in the vicinity of the landfill for as long as the wastes in the landfill will be a threat. As discussed herein, such an approach is highly inappropriate.

Burden of Proof for Groundwater Quality Protection Should Be on the Landfill Applicant

It is important that as part of developing a landfill, the landfill applicant, whether public or private, be required to convincingly demonstrate that a proposed landfill will be sited, designed, constructed, operated, closed and provide post-closure care such that it will protect the groundwater resources, public health, environment and the interests of those within the sphere of influence of the landfill, for as long as the wastes in the landfill represent a threat. For planning purposes, the wastes in a municipal solid waste landfill or the treated waste residues in a hazardous waste landfill should be considered a threat to public health, the environment and groundwater resources forever (Jones-Lee and Lee 1993). It is now well-understood that today's plastic sheeting-lined landfills that meet minimum or even somewhat above minimum design requirements will, at best, only postpone when groundwater pollution occurs by landfill leachate generated within the landfill. This issue is discussed in detail in the papers and reports developed by the authors. A list of these papers and reports is appended to these comments. Copies of them are available upon request.

Since, as discussed in the report entitled, "Recommended Design, Operation, Closure and Post-Closure Approaches for Municipal Solid Waste and Hazardous Waste Landfills," (Lee and Jones-Lee, 1995a) it is possible today to develop landfills that will be protective of public health,

[1] Report of G. Fred Lee & Associates, El Macero, CA, April 1996.

the environment and groundwater resources and the interests of those within the sphere of influence of the landfill, the landfill applicant should be required to develop landfills that will be protective for as long as the wastes in the landfill will be a threat.

If there are questions about any particular landfill being appropriately sited, designed, constructed, operated and whether there will be adequate post-closure care funding for as long as the wastes represent a threat, i.e., forever, then the landfill should not be developed or expanded. Those who own or use properties near proposed landfills should be protected from adverse impacts of the landfill. This will require those who generate wastes that are placed in a landfill pay the true cost associated with landfilling the wastes. In those situations where there is inadequate information to evaluate whether a proposed landfill will be protective, it is appropriate to err on the side of protection of public health, the environment and the interests of those who live near landfills rather than on the side of cheaper-than-real-cost waste disposal. The cost of proper solid waste management only represents a few cents per day more for those who generate the wastes than the cost associated with minimum Subtitle D landfills (Lee and Jones-Lee, 1993a). Similarly, the proper management of landfill hazardous waste would not significantly increase the cost of the goods that generate the waste.

Detection of the Leakage of Landfill Liner Systems

The basic reasoning (no pollution of groundwaters by landfill leachate has been detected) that is being used in support of continued development of Subtitle D minimum single composite-lined landfills and Subtitle C double composite-lined landfills is fundamentally flawed for a variety of reasons. These issues are discussed below.

Travel Time of Leachate. The way that leakage through a Subtitle D single composite liner is detected is by pollution of the groundwaters at the point of compliance for monitoring the presence of leachate. The point of compliance can, in a properly developed landfill that complies with minimum Subtitle D requirements, be no more than 150 meters from the down groundwater gradient edge of the waste management units. This means that any leakage from a Subtitle D landfill liner system must travel through the liner and unsaturated geological strata below the liner to the groundwaters and then horizontally to the point of compliance. Since Subtitle D landfill liner systems have only been required by the US EPA for less than three years, it is entirely possible that at many landfill sites the leakage through the liner that is likely occurring has not yet reached the point of compliance.

Unreliable Groundwater Monitoring. One of the primary reasons why Subtitle D and, for that matter, Subtitle C landfills have not been found to be polluting groundwaters is that the method of detection of groundwater pollution involves vertical monitoring wells spaced hundreds to a thousand or more feet apart at the point of compliance for monitoring. These monitoring wells have zones of capture into the aquifer of about one foot based on a three borehole volume purge of the well before sampling. This means that unless there is widespread general leakage throughout the whole bottom of the landfill liner system, the plumes that are generated from initial leakage would not likely be detected by the groundwater monitoring wells. Parsons and

Davis (1992) have discussed the approach that should be used to develop reliable groundwater monitoring systems for lined landfills. Basically, the zone of capture of the monitoring wells at the point of compliance for groundwater monitoring must be of such dimensions (lateral extent) to intersect the leachate plumes that arise from leaks through the liner system.

Cherry (1990) and Lee and Jones-Lee (1994a) have reported that typically the plumes that are developed from plastic sheeting-lined landfills are fingerlike, i.e. with limited lateral dispersion. This creates a situation in which the groundwater monitoring systems used have a low probability of detecting groundwater pollution before widespread pollution occurs beyond the point of compliance for groundwater monitoring. In most plastic sheeting-lined landfills there will be several long, finger-like plumes of leachate extending well beyond the point of compliance before the failure of the liner system to prevent groundwater pollution is detected. This is one of the primary reasons why it is fundamentally flawed reasoning to assert that because the groundwater monitoring systems at Subtitle C and D landfills have not yet detected groundwater pollution that these types of landfills will be protective of groundwater resources for as long as the wastes in the landfill will be a threat.

Leakage Through Double-Lined Landfills. One of the best ways to judge whether leakage will occur through a single composite liner is to examine the results obtained for leaks into the leak detection system for landfills lined with double composite liners that have a leak detection system between the two composite liners. Examining this issue is the best indicator available at this time on what can be expected in the way of leaks through both the double composite liner and a single composite liner landfill system. As discussed by Lee and Jones (1992), Bonaparte and Gross (1990) reported on finding significant leaks in new landfills constructed with double-lined systems.

One of the issues that is of considerable concern with respect to leakage through composite liners in a double composite-lined system is the approach that is used to establish excessive leakage rates through the upper composite liner. Several years ago the US EPA attempted to establish a Liner Action Leakage Rate of a few gallons per acre per day as the rate at which a single composite liner in a double composite-lined system would be allowed to leak before remediation efforts would have to be undertaken. As it turned out, based on the review by Bonaparte and Gross, allowing only a few gallons per acre per day of leakage through the upper composite liner would mean that essentially all of the upper composite liners of double composite-lined systems would be found to have failed. This caused the US EPA and the states to take a different approach where the Liner Actual Leakage Rate is based on what can be achieved with current liner technology, rather than what is necessary to protect groundwater from pollution by landfill leachate.

As discussed by Lee and Jones (1992), the appropriate approach to take in establishing the Liner Action Leakage Rate is not what can be achieved with these types of liner materials, but what is necessary to protect the groundwaters from pollution by landfill leachate. This is the purpose of the liners. The approach that should be used is to determine, on a site-specific basis, the rate of leakage through the upper composite liner that can be allowed and not result

in groundwater pollution if the lower composite liner were not present. For most situations, this will be on the order of a few gallons per acre per day.

Development of Liner Leak Detection Systems. While landfill applicants and their consultants often claim that a single and/or double composite liner system will not leak, it is obvious from the literature, principles of chemical thermodynamics and common sense that such claims have no technical validity. The facts are that composite-lined systems often can leak at the time of construction due to imperfections in the construction. It is for this reason that I-Corp International of Daytona Beach, Florida; Gundle - GSE of Houston, Texas; and Robertson Barrier System Corp. of Vancouver, British Columbia have developed leak detection systems for liners. Such leak detection systems are needed to detect leaks that are occurring at the time of construction of the liner system that are not detected by conventional QA/QC approaches.

Landfill Operations Caused Leaks. Another important source of leaks for new landfills is the inadequate protection of the liner system from the initial placement of the wastes in the landfill. Often inadequate attention is given to developing a protective layer between the liner system and the lowermost layer of wastes to prevent punctures from occurring in the liner system associated with the initial placement of the wastes. An example of this type of problem occurred with Chemical Waste Management of Indiana's hazardous waste landfill unit located near New Haven, Indiana where as part of placing the first layer of wastes in that landfill, the landfill operator punched 83 holes in the liner. The leakage through these holes was of sufficient magnitude so that the state of Indiana required that the wastes that had been placed in the landfill be removed and the liners repaired.

Solvent Permeation. There is a special type of leakage of landfill liners that, thus far, is largely being ignored by the regulatory agencies, even though it is well-documented in the literature. This is the problem associated with permeation of the liner by various types of organic solvents. Common organic solvents that are present in municipal solid wastes and in treated hazardous waste residues such as the chlorinated solvents, benzene, TCE and its degradation products such as vinyl chloride, etc., can pass through an intact, with no holes, flexible membrane liner in a short period of time. This is a chemical process that does not cause the liner to deteriorate, but involves the diffusion of the organics into the plastic sheeting and then through the plastic sheeting into the media on the other side of the plastic sheeting which typically is the compacted clay layer. Permeation of dilute solutions of organic solvents through HDPE liners was discussed by Haxo and Lahey (1988). This process has been investigated in detail by Sakti *et al.* (1991). Recently, Buss *et al.* (1995) have published further information on it.

It is important to note that this mechanism of leakage is particularly significant since it results in the transport of highly hazardous persistent mobile constituents through the liner system under conditions where the liner is perfectly formed and intact. It occurs not only from concentrated solvent solutions, but also occurs with dilute aqueous solutions of the solvents. The various solvents that are of concern can be purchased by the public at the local hardware store and therefore are not exotic chemicals that would not be expected at a landfill, but are common chemicals that are expected in today's municipal landfills. Many of these solvents are known

or expected carcinogens. The US EPA (1988a), as part of promulgating Subtitle D regulations, noted that one of the best ways to detect liner leakage of leachate is through measurement of organic solvents.

Long-Term Plastic Sheeting Liner Deterioration. Even if the liner is perfectly formed and no holes are punched in the liner at the time of waste deposition and if no organic solvents are present in the landfill, it is still only a matter of time until the liner system fails to prevent leachate from passing through it. The US EPA (1988a), as part of promulgating Subtitle D regulations governing municipal landfills, stated,

> *"First, even the best liner and leachate collection system will ultimately fail due to natural deterioration, and recent improvements in MSWLF (municipal solid waste landfill) containment technologies suggest that releases may be delayed by many decades at some landfills."*

The US EPA (1988b) Criteria for Municipal Solid Waste Landfills stated,

> *"Once the unit is closed, the bottom layer of the landfill will deteriorate over time and, consequently, will not prevent leachate transport out of the unit."*

Since the US EPA developed that position on the ultimate deterioration of flexible membrane liners, considerable additional work has been done which now further strongly supports this position. A recent example of this is the work of Hsuan and Koerner (1995) where they have reported on the initial phase of some long-term (10-year) studies that are underway on examining the rates of deterioration of flexible membrane liners. The focus of the Hsuan and Koerner's work is on the breakdown of the polymers in the plastic sheeting liners. They predict that this breakdown will occur due to free radical polymer chain scissions in 40 to 120 years. These estimates are indicated by Koerner to consider only some of the key issues that could cause breakdown. It is possible that breakdown could begin much earlier. Even if the breakdown of the plastic sheeting polymers took 100 years or so, there is still no question that ultimately the plastic sheeting in the flexible membrane liners will break down leading to an inability to prevent leachate from passing through it leading to groundwater pollution in the area.

It is important to put the ultimate breakdown of the flexible membrane liner in the perspective of the time at which the treated waste residues in a hazardous waste landfill and in a municipal solid waste landfill represent a threat. Both types of landfills contain waste components that will be a threat, effectively forever. Therefore, since it is only a matter of time until disintegration of the flexible membrane liner occurs, it is only a matter of time until groundwater pollution occurs at landfills lined with HDPE plastic sheeting.

Compacted Clay Liners. Todays Subtitle C and D landfills require that the plastic sheeting layer(s) be backed by compacted clay. The minimum design requirements for the clay layer is two feet of clay that has a permeability, at the time of construction, of no greater than 10^{-7} cm/sec. There are a variety of well known mechanisms (see Lee and Jones 1992) that cause the

compacted clay layers to increase their permeability over time. Factors such as desiccation cracking are important causes of increased permeability for clay liners.

There is an increasing tendency to substitute thin bentonite mats of clay for the two feet of compacted clay. These bentonite mats have advective permeabilities of about 10^{-9} cm/sec. However, the diffusional transport through such layers is much higher than this amount. Gray (1988) has found that diffusion is a much more important process for determining the transport through bentonite mats than the advective permeability. Further, as discussed by Lee and Jones (1992), bentonite clays are subject to significant shrink/swell properties where, for certain types of wastes that have excess calcium and magnesium over sodium, the sodium bentonite clay present in these mats would undergo ion exchange with calcium and magnesium, leading to a shrinkage of the clay and increased permeability. There are significant questions about the advisability of relying on bentonite mats as a reliable barrier for the transport of landfill leachate through them.

Overall, compacted clay layers will not prevent leachate transport through them. They have finite permeabilities which will ultimately allow, under design specifications, the transport of leachate through the layer. Further, there are a variety of mechanisms which can result in an increased permeability from that prescribed in the design and achieved at the time of construction.

Reliable Reporting on FML Properties

One of the problems with addressing the ultimate breakdown of the liner system is the failure of landfill applicants and their consultants to reliably report on the long-term stability problems with flexible membrane liners. There are numerous examples in the literature such as Fluet *et al.* (1992), Tisinger and Giroud (1993) and Flood (1994) where individuals who work for landfill applicants inadequately and/or unreliably report on the ultimate breakdown of flexible membrane liners. As discussed by Lee and Jones-Lee (1993b), the typical approach used by landfill consultants is to claim that the liner system will be "protective." However, they fail to discuss their definition of the duration of time in which they will be protective and fail to mention the fact that, ultimately, this protective definition that they use will result in groundwater pollution beyond the time that they are considering to be of significance. Often this time is considered to be only 30 years beyond the closure of the landfill.

As discussed by Lee and Jones-Lee (1994b), this 30-year post-closure care period, which is mandated as the minimum for Subtitle C and D landfills, is an infinitesimally small part of the total time that will ultimately have to be considered during which the wastes in the landfill will be a threat to cause groundwater pollution. Basically, the 30-year post-closure care period was an error on the part of the US Congress and environmental groups which the US EPA and Congress has yet to correct as part of the revisions of RCRA.

The problem of landfill applicants and those who serve as consultants to them not disclosing the "whole truth" about the ultimate failure of the landfill liner system to protect

groundwaters for as long as the waste is a threat, is of sufficient concern such that the authors have developed a discussion of professional ethics issues. They discuss the situations associated with professional engineers failing to disclose the long-term public health and safety issues associated with a particular landfill as part of their advocating the construction of a landfill at a particular location based on a minimum or near-minimum Subtitle C or D landfill liner - containment system design.

As discussed by Lee and Jones-Lee (1995b), professional civil engineers and those who are members of the National Association of Professional Engineers are obligated to conform to the organizations' code of ethics which requires full disclosure of potential problems in those situations where public health and safety is at stake. This situation is routinely ignored by professional engineers, where they adopt an adversarial approach of only informing regulatory agencies of the potential benefits of a particular landfill liner - cover containment and monitoring system design and fail to disclose the significant long-term deficiencies with this design. This issue is discussed further by Lee and Jones-Lee (1995b) where they recommend that the landfill siting process be conducted in a true peer review arena where all advocates of a particular position must present, for full public and peer review, the technical basis for their position under the conditions where their peers can discuss the validity of that position.

Developing Protective Landfills

One of the issues that needs to be considered is whether Subtitle C and D landfills could be developed using the "dry tomb" landfilling approach that would be protective of groundwater resources for as long as the wastes in the landfill represent a threat. Lee and Jones-Lee (1995a) have provided guidance on how this can be accomplished. Basically, it involves the construction of all hazardous waste landfills and so-called non-hazardous waste landfills using double composite-lined systems with a reliable leak detection system between the two composite liners. This is the approach that is used in Michigan's Rule 641 for municipal solid waste landfills. Such landfills consist of a double composite lined system where the lower composite liner is part of a leak detection system for the upper composite liner. It is also the approach that is used by the US EPA in Subtitle C landfills except that the US EPA has failed to develop adequate Liner Action Leakage Rates which will be protective of the groundwaters in the vicinity of the landfill when the lower composite liner is no longer an effective barrier and leachate passes through it.

The approach that should be followed is that whenever the leachate leakage through the upper composite liner is sufficiently great so that the groundwaters under the landfill could be polluted, i.e. impaired use for domestic or other purposes, by the leakage through the liner, then the landfill owner/operator must stop the leakage through the upper composite liner or exhume the waste.

Since this liner cannot be inspected and repaired without removal of the wastes, stopping the leakage through it will require that an impermeable cover be installed on the landfill which has a primary component a leak detection system that is operated and maintained in perpetuity, i.e. as long as the wastes in the landfill represent a threat. The Robertson system, the Gundle -

GSE leak detection system, the I-Corp leak detection system as well as others that are being developed can all potentially be used for this purpose. While these systems cannot function effectively in the landfill liner system, they can be made to work in the landfill cover, which is accessible for repair.

Todays RCRA Subtitle C and D landfill covers involve the use of the equivalent of a composite liner in which thin plastic sheeting and a compacted clay layer is constructed on top of the waste layer. This low permeability layer is designed to minimize but not prevent moisture from entering the landfill and generating leachate. Daniel and Koerner (1991) discuss the variety of factors that influence the stability of a landfill cover such as the differential settling of the waste which can be highly disruptive of the cover integrity. Typically landfill owners/operators will assert at a landfill permitting hearing that if any problems develop in the integrity of the landfill cover, that these will be repaired. However, the low permeability layer of the landfill cover (the plastic sheeting and compacted clay) are buried below several feet of top soil and a drainage layer. Cracks can develop in the low permeability layer which cannot be perceived upon visual inspection of the landfill cover. It is for this reason that Lee and Jones-Lee (1995c) advocate that leak detectable covers be used in Subtitle C and D landfills.

If the landfill owner/operator cannot or will not stop the leakage of leachate through the upper composite liner, then the owner/operator must remove (exhume) the wastes in the landfill, properly treat them, and manage the residues from such treatment in such as way as to not lead to further groundwater pollution. Failure to adopt this approach will mean that the waste in a landfill will pollute the groundwaters of the area. As discussed by Lee and Jones-Lee (1995a), such an approach requires that a dedicated trust fund be developed from disposal fees during the landfill's active life. This trust fund should be of sufficient magnitude to ensure that sufficient funds are present to operate and maintain the leak detectable cover, leachate collection system and the leak detection system between the two composite liners. While other financial instruments are currently allowed in RCRA post-closure funding, such financial instruments are likely to be unreliable. Hickman (1992, 1995) has discussed the importance of using a dedicated trust as a reliable financial instrument to address long-term contingencies associated with "dry tomb" type landfills.

The typical 30-year post-closure fund associated with both hazardous and non-hazardous waste landfills is grossly deficient compared to the funds that will likely be required during the 30-year period, much less the infinite period of time that funds will be needed to address contingencies that will ultimately have to be addressed at the landfill. An important aspect of this situation is whether private landfilling companies will, in fact, be economically viable in the future when the funds will be needed--20, 50, 100 or so years from now. As discussed by Lee and Jones-Lee (1993c, 1994b), private landfilling companies are accruing massive liabilities that ultimately will cause these firms stockholders to sell their stock from the firms, making the firms financially unstable, ultimately leading to their bankruptcy. This past year, at the annual meeting of the Waste Management of North America Stockholders, the WMX CEO, D. Buntrock, noted that WMX was losing money on its hazardous waste management business. D. Buntrock is quoted in the Chicago Tribune as stating at this meeting, *"Most of us in the company*

wish today we never heard of the business." Situations such as this give little confidence that landfill companies will, in fact, meet their long-term obligations associated with post-closure care of landfills.

The US Congress General Accounting Office (GAO 1990) informed Congress in a report entitled, "Hazardous Waste Funding of Postclosure Liabilities Remains Uncertain," that the current regulatory approaches do not necessarily provide the funding that will be needed to address contingencies during their post-closure period, i.e., while the wastes remain a threat. Further, the GAO (1995) has reviewed the potential for funding the monitoring and maintenance of hazardous waste landfills and concluded that, at this time, there are high degrees of uncertainty about whether federal and state funds will, in fact, be available to provide for monitoring and maintenance and periodic (five year review) of hazardous waste landfills in accord with current regulatory requirements.

Some states, such as South Carolina, are beginning to address this issue by requiring that waste management companies post cash bonds to address long-term landfill contingencies.

While generally today, regulatory agencies are not adequately addressing the long-term issues associated with municipal and hazardous waste landfills ultimately failing to protect public health, groundwater resources and the environment from waste derived constituents, there is growing recognition of the deficiencies of current regulatory approaches where the minimum landfill design for Subtitle C and D landfills is recognized as being badly out of date and not protective of public health and the environment for as long as the wastes in the landfill will be a threat. An encouraging situation recently developed in the state of Indiana where the Hazardous Waste Facility Siting Authority reviewed a Chemical Waste Management of Indiana proposal to expand a hazardous waste landfill where it became clear, that ultimately, that landfill would pollute groundwaters of interest to the city of New Haven which is located immediately adjacent to this landfill. The Siting Authority concluding in an eight to one vote that the landfill should not be expanded because of its potential to ultimately pollute groundwaters of interest to New Haven, Indiana.

With respect to Subtitle D landfills, a number of states, such as New York, New Jersey, Michigan, Pennsylvania, Kentucky, Oregon and Arizona, have adopted double composite-lined landfills as the minimum landfill liner design for situations where there are groundwaters underlying the landfill that could be polluted by landfill leachate at any time in the future. California has had regulations (Water Resources Control Board, Chapter 15) since the mid 1980s that require that hazardous waste landfills not leak leachate through the liner system for as long as the wastes in the landfill represent a threat, and municipal solid waste landfills not allow sufficient leachate to pass through the liner system to potentially impair the uses of the groundwaters based on the concentrations of constituents in the unsaturated zone underlying the landfill for as long as the wastes represent a threat. While, such approaches appear, from a regulatory perspective to be highly protective, in fact, based on the way in which the Chapter 15 regulations have been implemented at the regional board level do not provide for this level of protection. Instead, the regional boards have been allowing landfill applications to construct

landfills that, obviously, will not protect groundwaters from pollution by landfill leachate for as long as the wastes in the landfill will be a threat.

The justification for this approach is based on that mention is made in the regulations of minimum landfill liner cover - containment system design requirements. Even though the regulations explicitly state that the minimum requirements are not necessarily protective at all sites and that the liner cover - containment system must protect groundwaters from impaired use for as long as the wastes in the landfill represent a threat. The inappropriate interpretation of the regulations that is routinely occurring today in California by regional boards where the minimum design is determined to be equivalent to the groundwater quality protection performance standards set forth in the regulations is extremely short-sighted and contrary to public health, groundwater resources and the protection of the environment. This approach has allowed the construction of municipal solid waste landfills that will obviously not conform to the basic regulatory requirements of protecting groundwaters from impaired use from waste associated constituents for as long as the waste represent a threat.

Summary and Conclusions

Municipal solid waste and hazardous waste landfills of the type being developed today in which either a single composite or a double composite-liner is used as a containment system for the wastes and collection system for landfill leachate are likely and will ultimately lead to groundwater pollution by leachate for those landfills sited at locations where there is a hydraulic connection between the base of the landfill and groundwaters that are or could be used for domestic and other water supply purposes at any time in the infinite future. The failure of being able to specifically show groundwater pollution by Subtitle C and D landfills today should not be interpreted to mean that groundwater pollution has not nor will not occur in the future. The basic problem with such an approach is that the monitoring systems used to detect landfill liner leakage involving vertical monitoring wells at the point of compliance for groundwater pollution is a fundamentally flawed approach that has a low probability of detecting initial liner leakage before widespread groundwater pollution occurs.

Based on characteristics of the rate of movement of leachate through the unsaturated and saturated zone, the characteristics of the liners and the reliability of the groundwater monitoring systems that are being used today, it is concluded that it would be, indeed, rare that groundwater pollution at the point of compliance for Subtitle C and D landfills would, in fact, be detected today. These landfills have only been constructed for a relatively short period of time. In many situations, the rate of migration of leachate through the liner and subsurface strata would not be sufficiently great to be detected in monitoring wells that happen to intercept the finger plumes of leachate that are being generated or will be generated by leakage through the liner system.

Ultimately, all Subtitle C and D landfills have the potential to pollute groundwaters hydraulically connected to them. It is only a matter of time when this occurs. There is an urgent need to update RCRA to develop regulatory approaches that will, in fact, protect groundwaters from pollution by landfill leachate for as long as the wastes in a hazardous waste

or municipal solid waste landfill represent a threat. Until this update occurs, the siting of landfills should be done in accord with reliably informing the regulatory agencies and the public that the current regulatory approach in developing Subtitle C and D landfills is not protective of public health, groundwater resources and the environment from pollution by landfill leachate for as long as the wastes in the landfill represent a threat.

References

Bonaparte, R., and Gross, B., "Field Behavior of Double-Liner Systems," In: Waste Containment Systems: Construction, Regulation and Performance, Geotechnical Special Publication No. 26, ASCE, New York, pp. 52-83 (1990).

Buss, S.E., Butler, A.P., Johnston, P.M., Sollars, C.J., and Perry, R., "Mechanisms of Leakage through Synthetic Landfill Liner Materials," J. CIWEM 9:353-359 (1995).

Cherry, John A., "Groundwater Monitoring: Some Deficiencies and Opportunities," In: Proc. of the 10th ORNL Life Sciences Symposium, Gaitlinburg, TN, Hazardous Waste Site Investigations: Towards Better Decisions, Berven & R.B., Gammage, (editors), Lewis Publishers, B.A. (1990).

Daniel, D., and Koerner, R., "Landfill Liners from Top to Bottom," Civil Engineering 61:46-49 (1991).

Flood, D.R., "Synthetic Linings for Hazardous Wastes," National Environmental Journal, May/June (1994).

Fluet, J.E., Badu-Tweneboah, K., Khatami, A., "A Review of Geosynthetic Liner System Technology," Waste Management & Research, 10:47-65 (1992).

GAO, "Hazardous Waste Funding of Postclosure Liabilities Remains Uncertain," General Accounting Office, Report to Congress, RCED-90-64, Washington D.C., June (1990).

GAO, "Superfund Operations and Maintenance Activities Will Require Billions of Dollars," General Accounting Office, Report to Congress, RCED-95-259, Washington D.C., September (1995).

Gray, D., "Diffusion as a Transport Process in Fine-Grained Barrier Materials," Geotechnical News, 6(2), June (1988).

Haxo, H.E. and Lahey, T.P., "Transport of Dissolved Organics from Dilute Aqueous Solutions through Flexible Membrane Liners," Hazardous Wastes & Hazardous Materials, 5(4):275-294 (1988).

Hickman, L., "Financial Assurance-Will the Check Bounce?," Municipal Solid Waste News, March (1992).

Hickman, L., "Ticking Time Bombs?," Municipal Solid Waste News, Solid Waste Association of North America, March (1995).

Hsuan, Y.G. and Koerner, R.M., "Long Term Durability of HDPE Geomembranes Part I - Depletion of Antioxidants," Geosynthetic Research Institute Report #16, Drexel University, Philadelphia, PA, (1995).

Jones-Lee, A. and Lee, G. F., "Groundwater Pollution by Municipal Landfills: Leachate Composition, Detection and Water Quality Significance," Proceedings of Sardinia '93 IV International Landfill Symposium, Sardinia, Italy, pp. 1093-1103, October (1993).

Lee, G. F. and Jones, R. A., "Municipal Solid Waste Management in Lined, 'Dry Tomb' Landfills: A Technologically Flawed Approach for Protection of Groundwater Quality," Report of G. Fred Lee & Associates, El Macero, CA, 68pp. March (1992).

Lee, G.F. and Jones-Lee, A., "The Cost of Groundwater Quality Protection in Landfilling," Report of G. Fred Lee & Associates, El Macero, CA, 8pp, July (1993a).

Lee, G. F. and Jones-Lee, A., "Geosynthetic Liner Systems for Municipal Solid Waste Landfills: An Inadequate Technology for Protection of Groundwater Quality?" Waste Management & Research, 11(4):354-360 (1993b).

Lee, G. F. and Jones-Lee, A., "Landfill Post-Closure Care: Can Owners Guarantee the Money Will Be There?", Solid Waste and Power, 7(4):35-39 (1993c).

Lee, G.F., and Jones-Lee, A., "A Groundwater Protection Strategy for Lined Landfills," Environmental Science & Technology, 28:584-5 (1994a).

Lee, G. F. and Jones-Lee, A., "Landfilling of Solid & Hazardous Waste: Facing Long-Term Liability," IN: Proceedings of the 1994 Federal Environmental Restoration III & Waste Minimization II Conference, Hazardous Materials Control Resources Institute, Rockville, MD, pp. 1610-1618, April (1994b).

Lee, G.F. and Jones-Lee, A., "Recommended Design, Operation, Closure and Post-Closure Approaches for Municipal Solid Waste and Hazardous Waste Landfills," Report to Greenpeace, Mexico, G. Fred Lee and Associates, El Macero, CA (1995a).

Lee, G.F. and Jones-Lee, A., "Practical Environmental Ethics: Is There an Obligation to Tell the Whole Truth?," Published in condensed form "Environmental Ethics: The Whole Truth" Civil Engineering, Forum, 65:6 (1995b).

Lee, G.F. and Jones-Lee, A., "Overview of Landfill Post Closure Issues," Presented at American Society of Civil Engineers Convention session devoted to "Landfill Closures - Environmental Protection and Land Recovery," San Diego, CA, October (1995c).

Parsons, A.M. and Davis, P.A., "A Proposed Strategy for Assessing Compliance with the RCRA Ground Water Monitoring Regulations," Current Practices in Ground Water and Vadose Zone Investigations, ASTM STP 1118, David M. Nielsen and Martin N. Sara, (editors), American Society for Testing and Materials, Philadelphia, PA (1992).

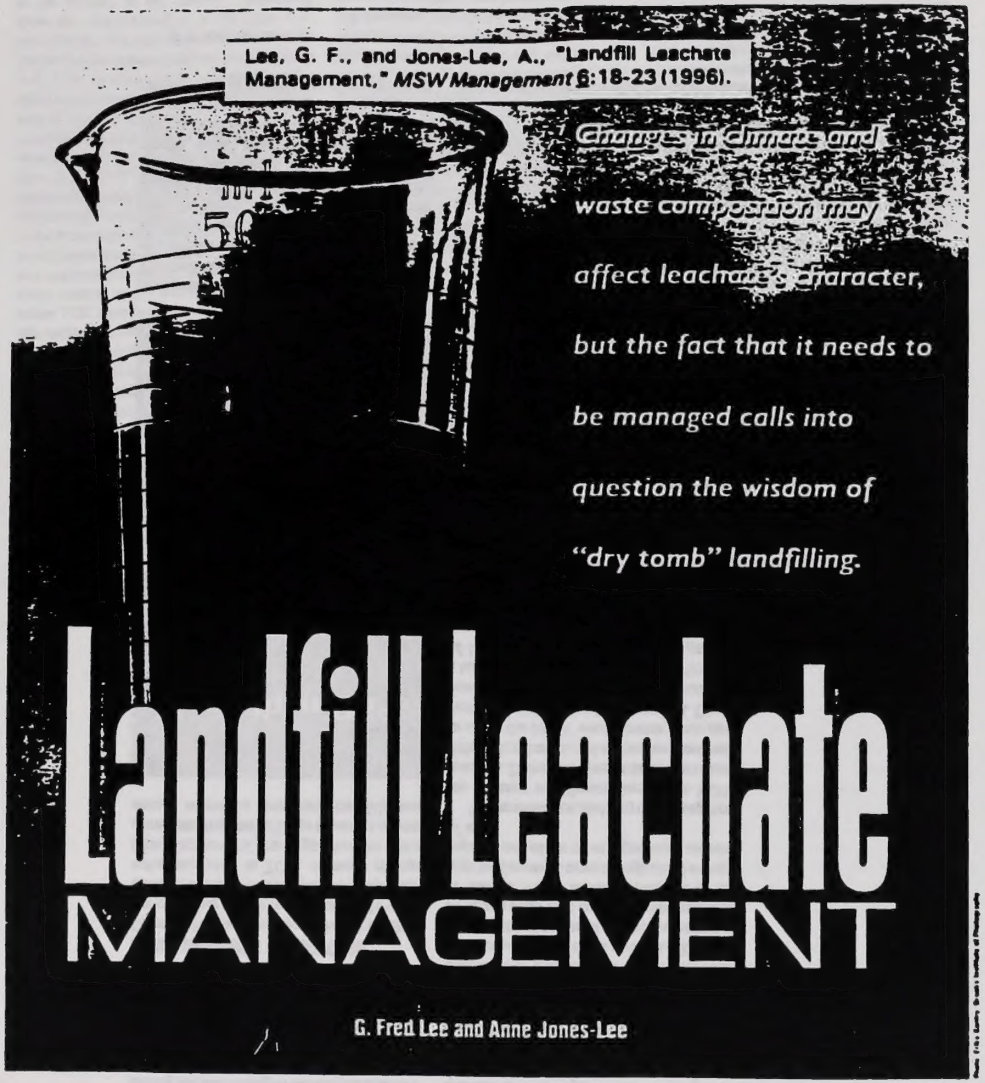
Sakti, J.P., Park, J.K., and Hoopes, J.A., "Permeation of Organic Chemicals through HDPE Geomembranes," In: Proceedings of ASCE National Environmental Engineering Conference, ASCE, New York, July (1991).

Tisinger, L.G., and Giroud, J.P., "The Durability of HDPE Geomembranes," Geotechnical Fabrics Report, p. 4-8, September (1993).

US EPA, "Solid Waste Disposal Facility Criteria; Proposed Rule," Federal Register 53(168):33314-33422, 40 CFR Parts 257 and 258, US EPA, Washington, D.C., August 30, (1988a).

US EPA, "Criteria for Municipal Solid Waste Landfills," US EPA Washington D.C., July (1988b).

Lee, G. F., and Jones-Lee, A., "Landfill Leachate Management," *MSW Management* 6:18-23 (1996).



Changes in climate and waste composition may affect leachate's character, but the fact that it needs to be managed calls into question the wisdom of "dry tomb" landfilling.

Landfill Leachate MANAGEMENT

G. Fred Lee and Anne Jones-Lee

In a classical, unlined sanitary landfill that contains appreciable moisture, bacterial action leads to gas formation and leachate generation. While both are dependent on moisture, they are largely independent processes. Landfill gas formation in a classical, sanitary landfill in a humid climate can be completed within a 30-year period, but leachate generation has been found to continue for thousands of years. The dry tomb environment created at the time of landfill closure provides a situation where the wastes remain inactive until moisture enters the wastes. Failure to properly maintain the cover of the dry tomb landfill will, upon entry of significant moisture to the landfill, result in landfill gas and leachate generation.

Pollution Potential of Leachate

MSW leachate typically contains high concentrations of conventional, nonconventional, and hazardous chemicals such as BOD, TOC, Fe, Mn, H_2S, TDS, NH_3, etc., as well as the so-called "hazardous" chemicals including heavy metals, VOCs, chlorinated and other solvents, and other priority pollutants. While there are over 60,000 chemicals

in commerce in the United States today, roughly 200 of those potentially present in MSW are regulated. Indeed, more than 95% of the organics in MSW leachate are uncharacterized and unregulated.

The current regulatory approach for assessing the pollution potential of MSW and hazardous waste leachate focuses on the priority pollutants and ignores the wide variety of chemicals in such leachate that can render a groundwater unusable for domestic purposes. The state of California Water Resources Control Board's Chapter 15 governing the landfilling of municipal and hazardous waste takes a more enlightened approach by requiring that all groundwater pollution impairment by leachate be prevented for as long as the wastes in the landfill will be a threat.

Characteristics of Leachate

Overall, the characteristics of MSW leachate are changing with a more neutral pH value and less of some of the bulk chemical characteristics such as TOC. A major change took place several years ago when the indiscriminate disposal of large amounts of hazardous wastes in municipal landfills was

More than 95% of the organics in MSW leachate are uncharacterized and unregulated

terminated by the implementation of RCRA. The days when 55-gal. drums of chlorinated solvents were disposed of in a municipal landfill are over. This does not mean, however, that today's municipal landfills do not contain a wide variety of chemicals arising from the disposal of household hazardous wastes, small generator exemptions, and illegal disposal of industrial hazardous wastes in the MSW wastestream. The difference in cost of disposal of wastes in an MSW landfill versus a hazardous waste landfill—typically a factor of five to 10—provides significant economic incentive to dispose of so-called hazardous wastes in an MSW landfill.

RCRA focuses on the large hazardous waste generators and wastestreams. It does not try to regulate the small wastestreams that still may be highly hazardous. For example, RCRA will regulate the disposal of spent automobile batteries in municipal landfills because of their lead content; however, large amounts of lead enter municipal landfills through street sweepings and urban soils that contain leaded gasoline residues. There are many urban soils in city centers and highways that contain over 1,000 mg/kg total lead. In some states, such as California, this concentration of lead is classified as a hazardous waste; however, there are no restrictions under RCRA concerning the placement of street sweepings or urban soils that contain large amounts of lead in MSW landfills because of the high lead content, even though street sweepings are one of the most significant sources of lead.

Waste reduction and recycling programs are causing significant changes in MSW leachate. Diversion of essentially inert materials such as bottles and aluminum cans tends to make the MSW wastestream more concentrated with leached components. Diversion of newspapers and yardwastes removes a large component of the organic fraction of MSW that can lead to landfill gas and organics in landfill leachate. In time MSW landfills will produce significantly less gas, and the leachates will contain less TOC. This, in turn, should result in a less acidic leachate with a reduced ability to mobilize heavy metals and some other constituents through complexation and organic colloid production.

Leachate Generation

Leachate generation is dependent upon moisture entering the landfill from either the atmosphere through the cover or from groundwater. Subtitle C and D landfill covers are not designed to keep the wastes dry. They can allow small amounts of moisture to enter the wastes at the time of construction. Over time the properties of the low-permeability layer(s) of the cover deteriorate, allowing increasing amounts of moisture to enter the landfill. This moisture can, in turn, generate leachate.

The misconception that leachate only can be generated under conditions where the field capacity (moisture-holding ability) of the wastes is exceeded ignores the unsaturated generation and transport of leachate through the so-called "dry" waste

to the bottom of the landfill. Depending upon the characteristics of the liner, it is possible that the field capacity of the waste just above the drainage layer in the leachate collection system will be exceeded at that point as a result of the accumulation of unsaturated leachate transport.

Landfill Leachate in Arid Climates. Studies conducted by the Hazardous Materials Lab show that MSW leachate in California, and presumably other arid states, has significantly different characteristics than that often found in the more humid parts of the US. Data from several operating landfills in California show that leachate from these landfills tends to be more neutral in pH and has a significantly lower TOC than leachates reported for landfills located east of the Mississippi River. The climate in central and southern California is arid with less than 15 in. of precipitation per year. Further, and most importantly, there is a few-month rainy period each winter/spring followed by a long dry period during which there is no rainfall.

Since both landfill gas and leachate production are dependent upon moisture in the wastes, it is apparent that the landfills in central and southern California and some other arid areas that do not receive summer precipitation experience an annual cycle of short-term leachate and gas production during the winter and spring and the early summer followed by a period of limited leachate and gas production during mid- and late summer and the fall. During this summer/fall period the landfill tends to be considerably less active. It is this cyclic pattern that is apparently responsible for the significantly different characteristics of MSW leachate in central and southern California and some other areas than are typically found for midwestern and eastern landfills.

The state of California Water Resources Control Board recently released the results of its latest solid waste assessment test (SWAT), finding that of the 528 landfills evaluated, 72% are polluting groundwaters by landfill leachate. As expected, clay-lined landfills that were allowed in California from 1984 to 1993 caused groundwater pollution. During this period the regional water quality control boards in California allowed the construction of MSW landfills that met only the minimum design requirements set forth in Chapter 15 of 1 ft. of compacted clay with a permeability at the time of construction of no greater than 10^{-6} cm/sec. Such a liner would be expected, based on Darcy Law calculations, to be penetrated by leachate at the design permeabilities within one year. The SWAT results confirm this expectation. They also found that there is no correlation between landfill pollution of groundwater and such factors as depth to groundwater, annual average precipitation, waste acceptance rate, and rock type.

Organic Solvent Permeation

Organic solvents that are common leachate components have a unique property (permeation) that must be considered in managing leachate. Waste residues such as the chlorinated solvents, benzene, TCE, and its degradation products, such as vinyl chloride, etc., can pass through an intact (i.e. no holes), flexible membrane liner in a short period of time. This is a chemical process that does not cause the liner to deteriorate, but involves the diffusion of the organics into the plastic sheeting and then through the plastic sheeting into the media on the other side of the plastic sheeting that typically is the compacted clay layer. It is important to note that permeation is particularly significant since it results in the transport of highly hazardous, persistent mobile constituents through the liner system under conditions where the liner is perfectly formed and intact. It occurs not only from concentrated solvent solutions, but it also occurs with dilute aqueous solutions of the solvents.

Alternative Landfilling Approaches for Managing Leachate

Both the design and operation of dry tomb landfills can be readily modified to protect groundwater from pollution by landfill leachate for as long as the wastes in the landfill will be a threat by incorporation of double composite-lined systems with a reliable leak-detection system between the two composite liners. This is the approach used in Michigan's Rule 641 for MSW landfills as well as by USEPA in Subtitle C landfills, except that USEPA has failed to develop adequate liner action leakage rates that will be protective of the groundwaters in the vicinity of the landfill when the lower composite liner is no longer an effective barrier to leachate. In order to guarantee adequate safety whenever the leakage through the upper composite liner becomes sufficiently great to impair groundwater use for domestic or other purposes, it becomes the landfill owner/operator's responsibility to stop the leakage through the upper composite liner or to exhume the wastes. Since this liner cannot be inspected and repaired without removal of the wastes, stopping the leakage through it requires that an impermeable cover be installed on the landfill with a primary component a leak-detection system operated and maintained in perpetuity, that is, for as long as the wastes in the landfill represent a threat. The Robertson system, the Gundle-GSE leak-detection system, the I-Corp leak-detection system, as well as others that are being developed, all potentially can be used for this purpose. While these systems cannot function effectively in the landfill-liner system, they can be made to work in the landfill cover, which is accessible for repair. Such an approach requires that a dedicated trust fund of sufficient magnitude to ensure that adequate funds are present to operate and maintain the leak-detectable cover, leachate-collection system and the leak-detection system between the two composite liners be developed from disposal fees during the landfill's active life. While other financial instruments currently are allowed in RCRA postclosure funding, such financial instruments are likely to be unreliable.

Rather than trying to develop and maintain a dry tomb landfill, or ultimately failing to do so, there are alternative approaches for managing MSW that can better control leachate generation and production and manage its impacts. In much the same way as industrial hazardous wastes require some treatment before disposal, municipal wastes could be pretreated to remove those components that represent long-term threats through leachate generation. An alternative solution involves the addition of moisture to the wastes after disposal. In this regard increasing attention is being given to MSW landfill leachate recycle (sometimes called bioreactor) as a means of leachate disposal and landfill "stabilization." For those landfills that do not have inexpensive leachate disposal at a nearby publically owned treatment works (POTW), leachate recycle can save the landfill operator considerable money in leachate management. Further, the reintroduction of leachate to the landfill is recognized as a means of increasing the rate of landfill "stabilization" where this stabilization refers to the production of landfill gas (CH_4 and CO_2). However, there has been and continues to be considerable controversy on the merits of MSW leachate recycle. The principal opposition to landfill leachate recycle is that it increases the hydraulic loading to the landfill, and therefore could increase the rate of groundwater pollution by leachate.

While MSW leachate recycle is often supported based on a decreased time for the MSW in a landfill to be "stabilized," i.e. cease landfill gas production, the reduction in the time for landfill gas production that has been found in laboratory studies and in some field studies, such as those conducted in Sonoma County, CA in the 1970s by EMCON, will likely have limited applicability to describing the landfill gas generation in today's landfills. Much of today's MSW is placed in landfills inside of plastic bags that will serve for a period of time as a significant barrier to the recycled leachate interacting with MSW. Since landfill gas production rates are highly dependent on the moisture content of MSW, those parts of the MSW stream that are not exposed to the recycled leachate will produce landfill gas at a very slow rate compared to those that fully interact with the recycled leachate. In order for leachate recycle to significantly shorten the time that landfill gas production will take place in today's landfills, and therefore decrease the time for landfill "stabilization," it will be necessary to shred the wastes.

If the purpose of leachate recycle is to decrease the period of landfill gas production, then leachate recycle only should be practiced in double composite-lined landfills that contain shredded wastes, where the leachate-recycle process will be terminated when it is found that the upper composite liner has failed to prevent leachate migration through it that could lead to groundwater pollution.

Leachate recycle should be part of a wet cell fermentation and leaching approach where leachate recycle is followed by a 10- to 15-year period of washing of the fermented MSW residues with relatively clean water on a single-pass basis in order to leach these residues to remove from them those com-

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ponents that at some time in the future can pollute groundwater in the vicinity of the landfill. In order to practice in-situ leaching in a properly designed, constructed, and operated wet cell fermentation and leaching landfill, it will be necessary to change Subtitle D regulations to allow the introduction of water into the landfill to accomplish this leaching.

Leachate Treatment

With the advent of leachate collection systems as a standard part of landfill design and operations, the issue of adequate treatment of leachate that is removed from a landfill has become important. Typically it has been found that leachate produced in a landfill is taken to a local POTW where it is treated. It has been found, however, that POTWs often experience problems in adequately treating leachate, both from the perspective of treatment process upset as well as failure to remove some of the components of leachate that represent hazards to receiving water quality. A general rule is that typical MSW leachate cannot be added to a POTW in more than a few percent by volume without disrupting the biological treatment processes.

In order to adequately treat MSW leachate, a variety of physical, chemical, and biological processes involving a combination of aerobic and anaerobic, activated-carbon biological treatment coupled with coagulation, flocculation, sedimentation, and filtration possibly followed by activated carbon columns that may be needed to properly treat MSW leachate. For some situations it may be necessary to add reverse osmosis to this treatment train to reduce the total salt content of the leachate below adverse levels.

In conclusion, RCRA Subtitle D and Subtitle C landfills provide an opportunity for management of leachates that would prevent groundwater pollution for a few years, possibly several decades, after construction of the landfill. However, since the wastes will be a threat to groundwater quality for as long as a dry tomb-type landfill exists, eventually these landfills will threaten groundwater resources in the vicinity.

There are a variety of alternative approaches that can readily be adopted that would provide for true groundwater quality protection without significantly changing the cost of landfilling of hazardous waste residues and MSW. A modified dry tomb approach involving double composite-lined landfills where the lower composite liner is a leak-detection system for the upper liner, which includes a leak-detectable cover for the landfill that is maintained and operated in perpetuity, could enable dry tomb landfills to be used for waste storage for very long periods of time. However, substantial funds are needed, preferably derived from disposal fees and maintained in a dedicated trust to ensure that the funds needed to operate and maintain the dry tomb landfill system, especially the leak-detectable cover, will be available in perpetuity as needed.

A more desirable alternative approach is either pretreatment of the wastes to remove fermentable and leachable components before burial, or in-situ treatment of shredded wastes where leachate recycle is followed by clean water washing—leaching of the wastes to remove, under controlled conditions, the leachable components— during the time that the double composite-lined landfill containment system would be expected to be effective in managing leachate. **MSW**

Environmental consultants G. Fred Lee, PhD, PE, DEE and Anne Jones-Lee, PhD are principals of G. Fred Lee & Associates in El Macero, CA.

Landfill Leachate Management
(Expanded Discussion)[1]

G. Fred Lee, PhD, PE, DEE and Anne Jones-Lee, PhD
G. Fred Lee & Associates
El Macero, CA 95618

One of the adverse impacts of the landfilling of municipal and industrial solid wastes is the production of leachate (garbage juice) which can cause significant impairment of groundwater use for domestic water supply as well as surface waters that receive leachate. The primary thrust of the US EPA's Subtitle C (hazardous waste) regulations and Subtitle D (municipal solid waste, MSW) regulations is the management of leachate. Both sets of regulations established, as national policy, the "dry tomb" landfilling approach in which a liner system is constructed as the base of the landfill which has as its purpose the collection of leachate that is generated within the landfill. After the landfill is filled, i.e. at the end of its active life, the landfill is covered with a low permeability cover which is designed to minimize, but not prevent, moisture from entering the landfill and generating leachate.

The "dry tomb" landfilling approach attempts to isolate the waste components in the landfill from moisture that can generate leachate by wrapping the waste in a plastic sheeting (HDPE flexible membrane liner) and compacted clay layer in the form of a composite liner(s) and cover that will minimize moisture entering the landfill that generates leachate and that will collect all leachate that is generated in the landfill so that it can be removed from the landfill and treated before disposal.

Both types of landfills require groundwater monitoring systems for the detection of leachate that has passed through the liner system based upon vertical monitoring wells spaced hundreds to a thousand or more feet apart at the point of compliance for groundwater monitoring down the groundwater gradient from the landfill. Superficially it might appear to those not knowledgeable on the ability of landfills to generate leachate, the threat that leachate represents to public health, groundwater resources and the environment, the ability of the landfill liner systems being used today to collect leachate and the ability of the groundwater monitoring systems used to detect groundwater pollution by landfill leachate before widespread pollution occurs that todays Subtitle C and D landfills represent technically valid, cost effective approaches for managing leachate that will protect public health, groundwater resources and the environment from the adverse impacts of leachate for as long as the waste in the landfill will be a threat. Unfortunately, this is not the case.

Those responsible for developing the current regulatory approaches for regulating leachate in landfills were largely environmental groups who influenced Federal Congress in the early 1980's as part of rewriting of RCRA to dictate to the US EPA how to design leachate

[1] This is the expanded version of this paper which contains the complete text and references.

management systems (landfill liners, covers, groundwater monitoring, etc.). The environmental groups, and other advisors to Congress, made a significant error in developing the "dry tomb" landfilling approach where they assumed that hazardous waste landfills and municipal solid waste landfills will only represent a threat for leachate generation and pollution for a period of less than 30 years after landfill closure. The facts are, and this has been well known for many decades, that the treated residues in a RCRA Subtitle C hazardous waste landfill and the municipal solid waste in a Subtitle D MSW landfill, will, in a "dry tomb" type landfill, be a threat to groundwater quality and the environment effectively forever.

A critical review of the characteristics of todays landfill and containment monitoring systems shows that, at best, with high quality construction, todays Subtitle C and D landfills only postpone when groundwater pollution occurs for those landfills sited where there are high quality groundwaters hydraulically connected to the base of the landfill. The "dry tomb" landfilling approach advocated by environmental groups and adopted by Congress is a fundamentally flawed approach for protecting groundwaters for protection by landfill leachate. It enables todays generations to dispose of their solid waste at less than real cost thereby passing on the cost, health hazards and loss of groundwater resources to future generations. The "dry tomb" landfilling approach is not allowed in Ontario, Canada and some parts of western Europe because of its inevitable failure to prevent leachate pollution of groundwaters. Lee and Jones-Lee (1996) have recently reviewed the fundamental problems with "dry tomb" landfills. There can be no doubt that, ultimately, the US will abandon this approach in favor of an approach for managing solid waste in landfills that will more appropriately protect groundwater resources from eventual pollution from landfill leachate than todays Subtitle C and D landfills.

Pollution Potential of MSW Leachate

Municipal solid waste leachate typically contains high concentrations of a variety of conventional, non-conventional and hazardous chemicals that represent a significant threat to groundwater quality, public health and the environment. Jones-Lee and Lee (1993) have summarized the characteristics of solid waste leachate. In addition to high concentrations of conventional pollutants such as BOD, TOC, Fe, Mn, H_2S, TDS, NH_3, etc. and the so-called "hazardous" chemicals including heavy metals, VOC's, chlorinated and other solvents and other priority pollutants, MSW leachate contains a large number of unregulated non-conventional pollutants. At this time, only about a hundred to two hundred chemicals of the many thousands that are present in MSW are regulated. There are over 60,000 chemicals in commerce in the US today, many of these can find their way into the municipal solid waste stream as an unregulated chemical. As discussed by Jones-Lee and Lee, over 95% of the organics in MSW leachate are uncharacterized and unregulated. Every year or two new hazardous chemicals are found in MSW leachate that were not known to be present previously. There could readily a highly hazardous chemical in MSW leachate that would represent the next PCB or dioxin that is not now recognized as a hazardous chemical.

Jones-Lee and Lee point out that the current regulatory approach used in RCRA for assessing the pollution potential of MSW and hazardous waste leachate focuses on the priority

pollutants and ignores the wide variety of chemicals in such leachate that can render a groundwater unusable for domestic purposes. For example, MSW leachate has high concentrations of salts and hardness which, while not hazardous to consumers health, caused increased corrosion and scale in pipe and plumbing systems, hot water heaters, dish washers, coffee makers, etc. shortening their useful life. The state of California Water Resources Control Board Chapter 15 governing the landfilling of municipal and hazardous waste takes a more enlightened approach to protecting groundwaters from landfill leachate than RCRA by requiring that all pollution - impairment of use of groundwaters by leachate be prevented for as long as the waste in the landfill will be a threat. It is now well established that the waste in a "dry tomb" type landfill will be a threat effectively forever. This is the approach that RCRA and all state regulations should adopt in order to protect this and future generations from all adverse impacts of MSW and hazardous waste landfill leachate.

Changing Characteristics of MSW Leachate

The chemical characteristics of MSW leachate have changed and are continuing to change. A major change took place several years ago when the indiscriminant disposal of large amounts of hazardous wastes in municipal landfill was terminated by the implementation of RCRA. The days when 55 gallon drums of chlorinated solvents are disposed of in a municipal landfill are over. This does not mean, however, that today's municipal landfill does not contain a wide variety of chemicals arising from the disposal of household hazardous waste, small generator exemptions and illegal disposal of industrial hazardous waste in the municipal solid waste stream. The difference in cost of disposal of waste in a MSW landfill versus a hazardous waste landfill, typically a factor of five to 10, provides significant economic incentive to dispose of so-called hazardous waste in a MSW landfill.

Typically, landfill applicants will claim, in permitting hearings, that their landfill will not allow the landfill of hazardous waste in the landfill. While it may be their intent to try to prevent such disposal, the typical waste screening that is used by landfill operators does not prevent such disposal. It can however, if properly carried out, prevent large-scale disposal of hazardous waste. It is important to understand that the definition of hazardous waste used by the US EPA and RCRA was not based on the finding that the so-called "non-hazardous" wastes are not hazardous to health and the environment. The RCRA hazardous waste definition is a political definition that was designed to minimize the amount of industrial hazardous waste that had to be managed as hazardous waste. When RCRA was adopted, and today, it focuses on the large hazardous waste generators and waste streams. It does not try to regulate the small waste streams which still may be highly hazardous. For example, RCRA will regulate the disposal of spent automobile batteries in municipal landfills because of their lead content, however, large amounts of lead enter municipal landfills through street sweepings and urban soils that contain leaded gasoline residues. There are many urban soils in city centers and highways that contain over 1000 mg/kg total lead. In some states, such as California, this concentration of lead is classified as a hazardous waste, however there are no restrictions under RCRA concerning the placement of municipal street sweepings in a municipal because of the high lead content, even though street sweepings is the most significant source of lead for a municipal landfill.

Waste reduction and recycling is causing significant changes in municipal solid waste leachate. Many states have waste reduction goals which require from 25 to 50% of the MSW wastestream to be diverted from landfilling. Some of the materials that are being diverted such as bottles and aluminum cans, which are essentially inert in a landfill, will tend to make the MSW wastestream more concentrated with leachable components. The diversion of newspapers and especially yard waste will remove a large component of the organic fraction of MSW that can lead to landfill gas and organics in landfill leachate. There can be little doubt that, in time, MSW landfills will produce significantly less gas and that the leachates will contain less TOC. This, in turn, should result in a less acidic leachate which has the potential of reducing the ability of leachate to mobilize heavy metals and some other constituents through complexation and organic colloid production. In addition to reducing the total amount of organic matter in the MSW wastestream, which will reduce the TOC in MSW leachate, other benefits may accrue from the diversion of yard wastes such as the diversion of home-use herbicides.

For example, Gintautas *et al.* (1992) reported finding phenoxyalkanoic acid herbicides in municipal landfill leachates. These chemicals are part of the 60,000 unregulated chemicals that are used in the US today, many of which could be present in the MSW wastestream and MSW landfill leachates. These herbicides were derived from their use on home lawns. They are a threat to public health yet, as with many other chemicals of this type, they are not now regulated. It is situations such as this that cause the authors to conclude that, contrary to the US EPA's position, it should never be assumed that because a groundwater that has received small amounts of MSW or hazardous waste leachate but does not contain any regulated chemical above drinking water MCL's can be considered safe for consumption.

Recently, the authors, through their work with the California Department of Toxic Substance Control Waste Classification Committee, have become aware of some work by Hooper of Cal EPA DTSC Hazardous Materials Lab which shows that MSW leachate in California, and presumably other arid state, has significantly different characteristics than those often found for MSW leachate in the more humid part of the US. As part of a study on the leachate potential from MSW leachates in connection with evaluating the leaching tendencies of various leaching agents used in hazardous waste classification in California (especially acetic acid vs. citric acid). Hooper (1996) has obtained data on MSW leachate characteristics from several operating landfills in California. He is finding that the MSW leachate from these landfills tends to be more neutral in pH and have a significantly lower TOC than for leachate reported for landfills located east of Mississippi River. The climate in central and southern California is arid with less than 15 inches of precipitation per year. Further, and most importantly, there is a few month rainy period each winter/spring followed by a long dry period in which there is no rainfall. Since both landfill gas and leachate production are dependent upon moisture in the waste, it is apparent that the landfills in central and southern California and some other arid areas that do not experience summer precipitation experience an annual cycle of short-term leachate and gas production during the winter/spring and early summer followed by a period of limited leachate and gas production during mid/late summer and fall. During this summer/fall period, the landfill tends to be considerably less active. It is this cyclic pattern that Hooper feels is responsible for the significant different characteristics in MSW leachate than is typically found

for midwest and eastern landfills. It is important to understand that this difference in leachate characteristics is not yet under the effects of the diversion of the components such as yard wastes of the MSW wastestream. That diversion will cause even greater changes in the characteristics of MSW leachate in California.

Overall, the characteristics of MSW leachate are changing. These changes are, in general, in the direction of causing it to contain less of some of the bulk chemical characteristics such as TOC and a more neutral pH. However, MSW leachate will still continue to contain conventional hazardous and non-conventional hazardous pollutants at sufficient concentrations so that small amounts of leachate can render large amounts of groundwater unusable for domestic water supply purposes.

Leachate Generation

In todays RCRA Subtitle C and D landfills, where the disposal of liquid waste is prohibited, leachate generation is dependent upon moisture entering the landfill from either the atmosphere through the cover or from groundwater. Subtitle C and D landfill covers are not designed to keep the waste dry. They allow small amounts of moisture to enter the waste. This moisture can, in turn, generate leachate. There is a wide-spread misconception that leachate can only be generated under conditions where the field capacity (moisture holding ability) of the waste is exceeded. The authors have repeatedly observed that landfill applicants will state in their landfill permitting hearings that the waste in a landfill in the region where they propose to develop or expand and existing landfill are "dry" i.e., the waste field capacity is not exceeded. It is then exerted that no leachate can be generated under these conditions. Such exertions are technically invalid. Unsaturated transport of leachate, which occurs in soils and waste when the field capacity of the field is not exceeded, allows leachate to be generated and transported through the so-called "dry" waste to the bottom of the landfill. Depending upon the characteristics of the liner, it is possible that the field capacity of the waste just above the drainage layer in the leachate collection system will be exceeded at that point due to the accumulation of unsaturated transported leachate. Unsaturated transport is an important transport of hazardous and non-hazardous chemicals in waste and geological strata that must be considered in leachate generation and transport.

There is a growing tendency to site landfills in areas where the water table and/or piezometric surface is at or above the bottom of the landfill. Some regulatory agencies will allow the construction of such a landfill provided that the landfill applicant will construct a groundwater drainage system. It is sometimes asserted that this groundwater drainage system underlying the landfill can provide additional protection from leachate leakage through the liner since any leakage would become part of the groundwaters and be collected in the groundwater drain.

Such approaches can prove to be highly unreliable in preventing groundwater pollution by leachate. The typical MSW leachate has a significant salt content which makes its density the equivalent of about one third to one half sea water. This gives the leachate that leaks

through the liner a significant downward gradient that must be properly considered in evaluating its flowpath in any groundwater underdrain system for a landfill sited with a high water table.

Another problem with such landfills is that it assumes that the position of the water table - piezometric surface that exists now will continue to exist for as long as the waste in the landfill will be a threat. A variety of factors such as pumping of groundwaters under adjacent properties that can take place at sometime in the future can significantly impact the position of the water table - piezometric surface. Further, during the next 50 years or so there will be appreciable climate change, which in some areas will raise the water table and in other areas will lower it. The waste in todays "dry tomb" landfills will still be a threat then. Engineered systems that attempt to manage high groundwater based on current conditions may not function reliably under the future conditions that will exist at landfills with high water tables.

Organic Solvent Permeation

The organic solvents which are common components of municipal and hazardous waste landfill leachate have a unique property (permeation) that must be considered in managing leachate. Common organic solvents that are present in municipal solid wastes and in treated hazardous waste residues such as the chlorinated solvents, benzene, TCE and its degradation products such as vinyl chloride, etc., can pass through an intact, with no holes, flexible membrane liner in a short period of time. This is a chemical process that does not cause the liner to deteriorate, but involves the diffusion of the organics into the plastic sheeting and then through the plastic sheeting into the media on the other side of the plastic sheeting which typically is the compacted clay layer. Permeation of dilute solutions of organic solvents through HDPE liners was discussed by Haxo and Lahey (1988). This process has been investigated in detail by Sakti *et al.* (1991). Recently, Buss *et al.* (1995) have published further information on it. Even though this process has been well known in the literature for many years, regulatory agencies at the federal and state level are ignoring it.

It is important to note that this mechanism of leachate component transport through the liner is particularly significant since it results in the transport of highly hazardous persistent mobile constituents through the liner system under conditions where the liner is perfectly formed and intact. It occurs not only from concentrated solvent solutions, but also occurs with dilute aqueous solutions of the solvents. The various solvents that are of concern can be purchased by the public at the local hardware store and therefore are not exotic chemicals that would not be expected at a landfill, but are common chemicals that are expected in today's municipal landfills. Many of these solvents are known or expected carcinogens which are projected to cause cancer in people in very low concentrations of domestic water supplies. The US EPA (1988), as part of promulgating Subtitle D regulations, noted that one of the best ways to detect liner leakage of leachate is through measurement of organic solvents.

Alternative Landfilling Approaches for Managing Leachate Production and Impacts

Rather than trying to develop and maintain a "dry tomb" ultimately failing to do so, there are alternative approaches for managing municipal solid waste that can better control leachate generation and production and manage its impacts. The landfilling of industrial hazardous waste in Subtitle C landfills requires some treatment of the waste before disposal. This treatment, however, does not produce a landfill treated residue that does not represent a significant threat to groundwater resources. A few of the potential thousands of chemicals present in industrial hazardous waste that are regulated only have to be treated so that they do not release constituents in the TCLP test at concentrations above 100 times drinking water standards. There is no regulation governing the landfilling of the many unmeasured, unregulated hazardous and deleterious chemicals present in hazardous waste that represent significant threats to groundwater quality. The leachates generated in todays hazardous waste landfills still represent highly significant threats to public health, groundwater resources and the environment.

External Solid Waste Treatment. There is increasing recognition that, rather than placing untreated municipal solid waste in a landfill, what should be done is to pre-treat the waste to remove those components that represent long-term threats through leachate generation. Some countries, such as Germany, have adopted requirements that establish a limit on the amount of organics (< 3%) that can be present in an MSW landfill. This approach, however, does not limit the amount of inorganics collected in the waste that can lead to groundwater pollution. It would be possible, although likely very expensive compared to what the public has been paying in the past for MSW disposal, to treat municipal solid waste to remove those components before landfilling that represent long-term threats in leachate to groundwater resources and the environment.

In situ Treatment. An alternative approach for treating municipal wastes involves the treatment of the waste after landfilling by addition of moisture to the waste. Increasing attention is being given to MSW landfill leachate recycle (sometimes called bioreactor) as a means of leachate disposal and landfill "stabilization." For those landfills that do not have inexpensive leachate disposal at a nearby POTW, leachate recycle can save the landfill operator considerable money in leachate management. Further, the addition of leachate back into the landfill is recognized as a means of increasing the rate of landfill "stabilization" where this stabilization refers to the production of landfill gas (CH_4 and CO_2). However, there has been and continues to be considerable controversy on the merits of MSW leachate recycle.

In the mid 1980's, the authors (Lee et al., 1985, 1986) conducted a comprehensive review of MSW landfill leachate recycle. While it was encouraged by some, several states prohibited its practice. The principal opposition to landfill leachate recycle is that it increases the hydraulic loading to the landfill and therefore could increase the rate of groundwater pollution by leachate.

While MSW leachate recycle is often supported based on a decreased time for the MSW in a landfill to be "stabilized," i.e., cease landfill gas production, the reduction in the time for landfill gas production that has been found in laboratory studies and in some field studies, such as those conducted in Sonoma County, California in the 1970's by EMCON (1975, 1976), will

likely have limited applicability to describing the landfill gas generation in today's landfills. Much of today's MSW is placed in landfills inside of plastic bags. The plastic bags will serve for a period of time as a significant barrier to the recycled leachate interacting with MSW. Since landfill gas production rates are highly dependent on the moisture content of MSW, those parts of the MSW stream that are not exposed to the recycled leachate will produce landfill gas at a very slow rate, compared to those that fully interact with the recycled leachate. In order for leachate recycle to significantly shorten the time that landfill gas production will take place in today's landfills and therefore decrease the time for landfill "stabilization," it will be necessary to shred the wastes.

The primary reason for not allowing MSW landfill leachate recycle (increased potential for groundwater pollution) can be addressed in a double composite lined landfill. While the US EPA and some states allow leachate recycle in a single composite lined landfill, such practices are dangerous as a result of the inability of groundwater monitoring programs involving vertical wells spaced hundreds to one thousand or so feet apart to detect composite liner leakage before widespread groundwater pollution occurs. Initial leakage from a FML lined landfill, such as a Subtitle D landfill, will leak through holes, rips or tears in the FML. As discussed by Cherry (1990) and Lee and Jones-Lee 1994, such leakage will produce finger plumes of leachate that can readily pass undetected between the vertical monitoring wells which have zones of capture of only about one foot on each side of the well. Lee and Jones-Lee (1994) discuss that a double composite lined landfill system provides the opportunity to use the lower composite liner as a leak detection system for the upper composite liner, thereby becoming able to more reliably detect if the increased hydraulic loading on the landfill as a result of leachate recycle is promoting the possibility of groundwater pollution. If during the practice of landfill leachate recycle leachate is found in the leak detection system between the two liners in sufficient amounts to pollute the groundwaters underlying the landfill if the second composite liner were not present, it is obvious that the leachate recycle must be terminated. Further, if the leak through the upper composite liner cannot be stopped, then it will become necessary to exhume the waste since the upper composite liner system has failed and it is only a matter of time until similar failure occurs in the lower composite liner.

An important aspect of leachate recycle that is not generally understood is that it does not ultimately result in a leachate that has limited potential for groundwater pollution. While leachate recycle tends to reduce the strength of many of the constituents in MSW leachate, compared to non-recycled leachate, the leachate produced after recycle has been terminated (when gas production ceases) still has the ability to pollute large amounts groundwaters rendering them unusable for domestic water supply purposes with hazardous or otherwise deleterious chemicals that can cause a homeowner or a water utility to have to abandon the groundwater well as a source of water supply.

In summary, the authors advise against the disposal of leachate in today's Subtitle D landfills because of the increased potential for groundwater pollution in an unlined classical sanitary landfill as well as a Subtitle D single composite lined landfill. If the purpose of leachate recycle is to decrease the period of landfill gas production, then leachate recycle should only be

practiced in double composite lined landfills that contain shredded wastes where the leachate recycle process will be terminated when it is found that the upper composite liner has failed to prevent leachate migration through it that could lead to groundwater pollution.

Leachate recycle should be part of a wet cell fermentation and leaching approach (See Lee and Jones, 1990 and Lee and Jones-Lee, 1993) where leachate recycle is followed by a 10 to 15 year period of washing of the fermented MSW residues with relatively clean water on a single pass basis in order to leach these residues to remove from them those components that at some time in the future can pollute groundwaters in the vicinity of the landfill. In order to practice *in situ* leaching in a properly designed, constructed and operated wet cell fermentation and leaching landfill, it will be necessary to change Subtitle D regulations to allow the introduction of water into the landfill to accomplish this leaching.

Conclusions

References

Buss, S.E., Butler, A.P., Johnston, P.M., Sollars, C.J., and Perry, R., "Mechanisms of Leakage through Synthetic Landfill Liner Materials," J. CIWEM 9:353-359 (1995).

Cherry, J., "Groundwater Monitoring: Some Deficiencies and Opportunities," IN: Hazardous Waste Site Investigations: Towards Better Decisions, Proc. 10th Oak Ridge National Laboratories' Life Sciences Symposium, Gatlinburg, TN, Lewis Publishers, May (1990).

EMCON, "Sonoma County Solid Waste Stabilization Study and Twelve-Month Extension Sonoma County Solid Waste Stabilization Study," Report SW-65d.1., US Environmental Protection Agency Office of Solid Waste, Washington, DC (1975; 1976).

Gintautas, P., Daniel, S., and Macalady, D. "Phenoxyalkanoic Acid Herbicides in Municipal Landfill Leachates," Environ. Sci. & Technol. 26:517-521, (1992).

Haxo, H.E. and Lahey, T.P., "Transport of Dissolved Organics from Dilute Aqueous Solutions through Flexible Membrane Liners," Hazardous Wastes & Hazardous Materials, 5(4):275-294 (1988).

Hooper, K., personal communication, State of California Environmental Protection Agency, Hazardous Materials Laboratory, Berkeley, CA (1996).

Jones-Lee A. and Lee, G.F., "Groundwater Pollution by Municipal Landfills: Leachate Composition, Detection and Water Quality Significance," Proc. Sardinia '93 IV International Landfill Symposium, Sardinia, Italy, pp. 1093-1103, October (1993).

Lee, G. F. and Jones, R. A., "Managed Fermentation and Leaching: An Alternative to MSW Landfills," *Biocycle*, 31(5):78-80,83, May (1990).

Lee, G. F., Jones, R. A. & Ray, C., "Sanitary Landfill Leachate Recycle," *Biocycle* 27:36-38 (1986).

Lee, G. F., Jones, R. A. & Ray, C., "Review of the Efficacy of Sanitary Landfill Leachate Recycle as a Means of Leachate Treatment and Landfill Stabilization," Report of the US Army Construction Engineering Research Laboratory, Champaign, IL (1985).

Lee, G.F. and Jones-Lee A., "Dry Tomb Landfills," MSW Management, 6(1):82-89, (1996).

Lee, G.F. and Jones-Lee A., "A Groundwater Protection Strategy for Lined Landfills," Environmental Science & Technology, 28:584-5 (1994).

Lee, G. F. and Jones-Lee, A., "Landfills and Groundwater Pollution Issues: 'Dry Tomb' vs F/L Wet-Cell Landfills," Proc. CISA Sardinia '93 IV International Landfill Symposium, Sardinia, Italy, pp. 1787-1796 (1993).

Sakti, J.P., Park, J.K., and Hoopes, J.A., "Permeation of Organic Chemicals through HDPE Geomembranes," In: Proceedings of ASCE National Environmental Engineering Conference, ASCE, New York, July (1991).

US EPA, "Solid Waste Disposal Facility Criteria; Proposed Rule," Federal Register 53(168):33314-33422, 40 CFR Parts 257 and 258, US EPA, Washington, D.C., August 30, (1988).

August 28, 1996

Mr. Bruce Babbitt
Interior Secretary
18th. & C Streets, NW
Washington DC 20240

Dear Mr. Babbitt:

As a registered, and active, voter; I would like to voice my definite objection to the proposed landfill on BLM land at Eagle Mountain.

There are many other options that have been proposed, I feel they need to be researched more. As human beings, we have the intelligence to protect our wild life, and natural resources. With this intelligence comes a definite responsibility to make the right decisions - not just for ourselves, but for all living creatures.

Thank you in advance for making the responsible decision in vetoing the proposed landfill.

Sincerely,

Therese M. Mika

Response to Comment 209-1

The commenter calls for further consideration of other options. Comment acknowledged.

COMMENT LETTER 210

12 Sept. 1996

RIVERSIDE, CA

73-411 Adobe Springs Dr.
Palm Desert, CA 92260

Mr. Alan Stein, Acting District Manager

Bureau of Land Management
California Desert District Office
6221 Box Springs Blvd
Riverside, CA 92507-0714

Dear Sir:

Enclosed are my comments to the draft EIS/EIR for the proposed Eagle Mountain Landfill and Recycling Center Project.

If you would like further information please contact me at the above address or phone: (619) 568 5708.

Very truly yours,

Victor Millman

Victor Millman

Comments submitted to the BLM on the
draft environmental report for the Eagle Mountain Landfill Project

My name is Victor Millman, since my graduation in 1946 with a BSME from the University of Colorado and after practicing in my profession for 50 years I' ve retired and am now a resident of the Coachella valley. I have owned property here for the last 23 years.

As a concerned private citizen with a good technical background, I feel it is my duty to help the community at large to evaluate the impact of the proposed waste disposal facility in our back yard upon the health and welfare of the present and future generations in the Coachella Valley

To that end I have spent a large amount of time as an unpaid volunteer reviewing the entire Eagle Mountain Landfill and Recycling Center EIS/EIR. It has been a learning experience for me and I commend the efforts of the technical team that put the entire package together for their hard work and throughness.

My comments will deal with factors affecting .water and air pollution as well as some engineerng details which don' t appear to have been completely investigated.

1 A glossary of acronyms would have been a valuable aid to the reading of the text. In general the report is more qualitative than quantitative. For example: statements that cite other reports or documents rather than explain in detail how the task is to be accomplished.The effectiveness of the liner as shown in the sketch. Ref. figure 1-3, should be modelled and tested to scale taking into account the concentrated loads of millions of pounds on the liner end its effectiveness as a seal under seismic activity prevalent in the area.

Reference paragraph 4.9.3.1 which states the Superior Court ruling on the previous EIR. " Substantial evidence of supportability of conclusions..."

2 The "proof" shown for the efficacy of the design was the performance of similar landfill designs based on the Northridge quake, the Whittier narrows quake and the Loma Prieta quake which did show some tearing of the liner in local landfills, but no quantative conclusions.

Locally, the Coachella Valleys Landers quake in June of 1993 which recorded a7.3 on the Richter Scale wasn't even mentioned in the report. .Neither was the fact that active faults are radiating out to the North of the Salton Sea and in close proximity to Eagle mountain! The seismicity noted had only addressed horozontal acceleration and possible seiches-no mention

Response to Comment 210-1

Section 10 of the Draft EIS/EIR provides a glossary of terms and acronyms used in the document. The three-volume Draft EIS/EIR provides substantial technical quantitative details and analyses about the proposed Project and its anticipated impacts. With regard to providing citations to outside reference reports and material, this is standard practice under both CEQA and NEPA.

Response to Comment 210-2

Please refer to General Response 5 and Response to Comment 195-20.

was made of VERTICAL accelerations which can produce the forces to rupture or tear the liner!

How do you design against the corner of a file drawer or similar solid waste from penetrating the plastic liner with tons of debris above it and subject to the "g" loads induced by vertical seismic activity?

I recommend an independent study of this area by CalTech whose data on seismic activity in the Chuckawalla Basin was not even mentioned in themitigation report.

This leads us to the next implication that has been addressed in the report: that is, where does the water leak to from the dump! Eventually there will be some leakage into the groundwater which will affect water quality. To categorically deny, by unsubstantiated data, that there will be no intrusion
3 into the groundwater heading into the Coachilla Valley or eventually into the Colorado river water supplying Los Angeles water through MWD requires more than testimonials , but needs cold, hard facts to give us the confidence to support the safety of our water supply. It is admitted on page 5-40 of the report that," there is no KNOWN hydrologic connection between Chuckwalla Valley Groundwater Basin of the Eagle Mountain site and the Parker groundwater basin" no known are the keywords here", not very reassuring.

Response to Comment 210-3

The conclusions in the Draft EIS/EIR regarding the potential for Project-induced contamination of the Colorado River and groundwater in the Coachella Valley are based on a combination of facts and conservative professional judgment. With respect to potential impacts to the Colorado River (page 4.1-22 of the Draft EIS/EIR, the conclusions are based on actual data (e.g., water-level elevations, values of hydraulic conductivity) and conservative assumptions to balance the uncertainty associated with the representativeness of particular values used in the impact analysis (see page 4.1-22 of the Draft EIS/EIR and page C1-38 of Appendix C-1).

In the case of the potential impacts to groundwater in the Coachella Valley, the conclusions in the Draft EIS/EIR (see page 4.1-22) are based on the fact that: (1) groundwater in the bedrock aquifer under the proposed Project flows south, southeast and east toward and into the Chuckwalla Basin (see page 3.1-22 and Figure 3.1-6 of the Draft EIS/EIR, and (2) both ground-surface elevations and groundwater elevations are higher in the eastern portion of the Orocopia Basin relative to the adjacent western portion of the Chuckwalla Basin (see Section 3.1.1.2, page 3.1-8 to 3.1-10, and Figure 3.1-4). These two facts support the conclusion that groundwater generally flows eastward in the Chuckwalla Basin toward the Colorado River (see response to 3a). This conclusion is consistent with the hydrogeologic literature on the area, including the most recent U.S. Geological Survey assessment (Wilson and Owen-Joyce, 1994) referenced in the Draft EIS/EIR.

The Draft EIS/EIR makes no reference to the Parker Basin. The California Department of Water Resources Bulletin 118 (DWR, 1975), which identifies the groundwater basins in California, does not list a Parker Basin in Southern California.

Air quality is the next topic for my commentary.

4 Table 4.4-3 summarizes total project emissions and shows that trains are the largest producers of particulate matter which is particularly harmful to man. PM10 which is most harmful to the pulmonary system is spewed out at the rate of 206 pounds per day off-site it is noted, but still in the valley.I believe that the SCAQMD must take a more active part in setting the Engineering standards to control dangerous PM10 and to again quantify what is actually going to be produced by the supporting equipment for the Eagle Mt. landfill operation.

5 The rail line from Ferrum junction to the Eagle Mountain site I have personally observed is crossed by over a.dozen natural flood plains emmanating from the canyons to the west of the Kaiser rail line. There is evidence that trestles have been washed out and in some instances the drooping rails supported what was left of the right of way. Although the information has not been updated. nature still drains the area and I have not seen this factor mentioned in this Mitigation Report. This is not the kind of study that promotes confidence in the depth of analysis made for this project.

6 I am not going to touch upon the enormous amounts of electrical energy necessary to continue operation of the site. Also the huge amounts of landfill gasses generated by the facility and the lack of engineering analysis to predict the hazards of handling this Methane in a safe manner so that explosive conditions will not occur at the site with possible endangerment of personnel.

Response to Comment 210-4

The comment is noted. A detailed discussion of PM_{10} emissions is included in the Draft EIS/EIR (Appendix E, Part 4). In that section of the Draft EIS/EIR, emissions of PM_{10} are quantified for train and truck emissions offsite, as well as onsite landfill equipment. Furthermore, a detailed discussion of the proposed Project's consistency with South Coast Air Quality Management District regulatory requirements is also included in the Draft EIS/EIR (Appendix E, Part 4.5).

Response to Comment 210-5

The Eagle Mountain rail line will require maintenance and rehabilitation prior to the site accepting waste by rail. Financing of the rail line work and future maintenance will be paid by Kaiser and MRC. The maintenance and rehabilitation work will be done under the approval of permits authorized by the California Department of Fish and Game and the U. S. Army Corps of Engineers. In addition, the rail line is discussed throughout the Draft EIS/EIR (e.g., Sections 4.2 and 4.7)

Response to Comment 210-6

Local, state and federal nonhazardous solid waste disposal regulations require that landfill gas be controlled to prevent emissions and to protect health and safety. All landfill gas control systems proposed for the Eagle Mountain Landfill are proven systems that comply with all applicable regulations.

Landfill gas management is a primary component of safely operating a landfill. The Eagle Mountain Landfill will employ an active landfill gas extraction system and a landfill gas management system to control the migration of landfill gas offsite. These proposed systems are described in Sections 2.1.5.3 and 2.1.5.7 of this EIS/EIR, and in Section 6.9 of the ROWD (GeoSyntec, 1992). To summarize, a series of gas extraction wells will be used to penetrate the waste. A small vacuum will be applied to each gas extraction well to create an inward pressure gradient to the wells away form the edges of the landfill. The landfill gas extracted from the waste will be conveyed in pipes to onsite disposal stations. Disposal of landfill gas could

In summary, due to my limited resources I could not get into a complete critique of the report. However, where there should have been detailed
7 plans of how the various systems were to work instead of citing various references and regulations there would have been more credibility. What is needed is a complete engineering design with facts and figures to back up the claims and statements made throughout the report.

I believe that the BLM should have an independent engineering firm or
8 firms to review each phase of the report and do an in- depth engineering analysis before we consider giving the go-ahead to this project.

Thank you for permitting me to submit my comments to this well outlined report.

Respectfully submitted.

Victor Millman

be conducted by combustion in enclosed flares or the gas could be converted to energy for use at the landfill and Townsite.

In addition to the active landfill gas extraction system and the landfill gas management system, a perimeter monitoring system will be maintained. The landfill gas perimeter monitoring system is described in Section 2.1.8.3 of the EIS/EIR and Section 6.10 of the ROWD.

Response to Comment 210-7

There has been a very substantial amount of engineering design performed for the proposed Project. Much of the design work was performed in support of the Report of Waste Discharge (ROWD) and its supplemental volumes (GeoSyntec, 1992, 1993a, 1993b). Portions of the engineering design have been summarized in several of the technical appendices to the EIS/EIR. This design includes the 11-volume ROWD, extensive analyses of virtually every component of the landfill, field and laboratory studies and testing programs, and 53 large-scale engineering design drawings.

In addition to the analyses performed to date, construction-level design studies will be performed before each subphase of the landfill (i.e., 10- to 30-acre area) is constructed. Some of the elements that will be addressed during the construction-level design activities are described in Section 2.1.6.1 and Appendix B-5 of the EIS/EIR. A final design report, including detailed plans and specifications, will be prepared for each subphase. The design reports will be submitted to the regulators for their review and approval prior to construction.

Response to Comment 210-8

Comment noted. As stated in Response to Comment 210-7, significant engineering studies have already been completed for this Project. The environmental review conducted for purposes of the NEPA process has been performed under the direction and control of BLM together with the joint lead agency of CEQA, Riverside County. The Riverside County Waste Resources Management District retained an independent consultant, HDR, Inc., to review the administrative Draft EIS/EIR. Their comments are included in Comment Letter 247. In addition to the environmental analyses completed for this EIS/EIR and the previous EIS/EIR, the ROWD focused on many of

the engineering issues associated with development of the Project. See General Response 36-2.

COMMENT LETTER 211

6892 Arlington Ave.
Riverside, CA. 92504
Aug. 7, 1996

BLM Planners
3485 Mission Inn Ave.
Riverside, CA. 92501

To BLM Planners:

1 The company behind Eagle Mountain landfill claims clay and plastic liners would protect groundwater--for how long? And what about damage caused by earthquakes?

They have not given us any idea as to the reliability of their claim.

As you know, 20,000 tons of trash would arrive by train and truck every day for 117 years from throughout seven Southern California counties (instead of from four--with no change in capacity) eventually making Riverside county a dumping ground for all of Southern California.

This forced polution is not fair to us or to our following generations.

Mrs. Lillian Palmer

Response to Comment 211-1

The composite liner system (i.e. HDPE geomembrane overlying compacted low-permeability soil) will have excellent durability and is expected to have an effective life that exceeds the time period in which leachate and gas would be produced in the landfill. Discussion of this issue is presented in Section 4.1.2.1 and Appendix C-3 of the Draft EIS/EIR. The fact that the 2-foot-thick compacted soil component of the liner system and the GCL component of the unsaturated zone monitoring system are composed primarily of soil minerals is particularly relevant to liner system durability. Soil minerals are stable geological materials that are highly resistant to degradation and that are expected to function indefinitely in the chemical and physical environment of a municipal solid waste landfill liner system. Moreover, the durability of the liner system is just one factor which affects the long-term effectiveness of the landfill containment systems. Other major factors include the arid site conditions (which will result in negligible long-term leachate production) and the design of the final cover system and its ability to be maintained.

With respect to the potential for earthquake damage, the Draft EIS/EIR and ROWD include extensive studies of site seismicity and of the stability of the landfill systems, including the liner system, during earthquakes. The Draft EIS/EIR concludes that the landfill design will be stable with adequate factors of safety under seismic loading conditions that meet federal regulatory requirements and significantly exceed California regulatory requirements. Relevant information on seismicity and seismic design is presented in the following documents: (1) Draft EIS/EIR Section 3.9.2 and Appendices H-1 to H-5; (2) ROWD, Section 5.4, Chapter 8, and Appendices D and K; and (3) ROWD Supplemental Volume 1, Sections 14.4 and Appendices R and S. See General Response 5 and Response to Comment 21-13.

COMMENT LETTER 212

15423 Daybreak Lane
Fontana, CA 92337-0946
7 July 1996

John Garamendi
Deputy Assistant Secretary, Dept of Interior
1849 C Street NW
Washington, DC 20240

Dear Mr Garamendi

1 The Eagle Mountain dump in southeastern California is a threat to our beautiful Joshua Tree National Park There are no guarantees that the dump will not effect the Park and its endangered inhabitants for the 100 year life span of the project or after the operators have closed up and left

The Department of the Interior should not succumb to the pressures of the dump applicants and their lobbyist For once, politics should be put aside and sound judgment, good morals and strong science should determine the fate of this area

Joshua Tree is a valuable asset to Riverside and San Bernardino Counties Over one million visitors each year provide a healthy revenue base to the surrounding areas Would you like to camp or hike next to a mega-dump with garbage-filled trains chugging by?

Please support the staff at Joshua Tree in their attempts in obtaining true scientific discussion surrounding their concerns over Eagle Mountain Please do your part to ensure that the American public will not be forced to accept a dump in the middle of one of our most lovely National Parks Pure wilderness experience is hard to come by in this part of the country

Sincerely,

Christine E Rideout

cc Vice President Al Gore
Senator Diane Feinstein
Joshua Tree Superintendent Ernest Quintana

Response to Comment 212-1

Comment acknowledged. See General Response 3.

COMMENT LETTER 213

GRACE GOODMAN ROSS
Attorney at Law (Ca/Az/Wa)
310 Second Street East
Sonoma, CA 95476
707.939.0412

BUREA
96 SEP 3

September 16, 1996

Julia Dougan, Area Manager
Palm Springs-South Coast Resource Area
U.S. Department of the Interior
Bureau of Land Management
6221 Box Springs Blvd.
Riverside, CA 92507

Director Roger Kennedy
National Park Service
PO Box 37127
Washington, DC 20013-7127

Secretary Bruce Babbitt
U.S. Department of the Interior
Interior Building
1849 C Street NW
Washington, DC 20240

President Bill Clinton
Office of the President
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Vice President Al Gore
Office of the Vice President
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Honorable Diane Feinstein
United States Senate
Washington, DC 20510-0504

Honorable Barbara Boxer
House of Representatives
Washington, DC 20515

Response to Comment 213-1

For other landfills as alternatives, see General Response 2; for ecological and wildlife impacts, see General Response 6; for wind-blown litter, see General Response 3; for air quality impacts, see General Response 7; for night sky, see General Response 3 and Appendix W; and for odor, see General Response 3.

RE: COMMENTS ON THE EAGLE MOUNTAIN LANDFILL DRAFT EIS/EIR

Ladies and Gentlemen:

I am a taxpayer, and frankly I am happy to part with my money for the acquisition, maintenance, and protection of our national parks. I have a lifelong commitment to preserving, protecting, and enjoying open space and environmentally sensitive lands. I am a frequent visitor to many of our national parks, and Joshua Tree National Park in particular. I was born and raised in the desert southwest. The beauty and serenity of the desert is unmatched.

I am writing to vehemently object to the proposed Eagle Mountain Landfill, based on the serious adverse impact to Joshua Tree National Park. The Park surrounds the proposed site on more than three sides of the proposed landfill site. The closest National Park bounder is 1.5 miles north.

I am aware that **there are at least three alternative landfill sites** which would not impact a national park which, in the case of Joshua Tree, enjoys Class I protective status. Clearly the three other sites are superior locations for a proposed dump of this magnitude.

It is imperative that you do everything within your power to prevent the dump. I hear reports that the federal government is busy buying mining interests outside of Yellowstone National Park, yet I hear nothing of Joshua Tree's plight. What is going on here?

Joshua Tree National Park represents the largest intact ecosystem in the Mojave Desert. It has enjoyed National Park Service protection since 1936 and over 80% of the park is federally mandated wilderness. I believe that **10 or 12 trains hauling 20,000 tons of garbage from the greater Los Angeles Metropolitan area, every day, for over 80 years, will have significant long term and disperse ecological impacts within Joshua Tree National Park.** The trains will run parallel to the southern park boundary along Interstate 10 and then turn northwest into Eagle Mount Mine, at Desert Center, near the eastern edge of the Park. Garbage will be dumped into open pits created from ore mining, located 1.5 miles south of the Park's Wilderness Boundary.

There are many Wilderness Resources and Wilderness values that will be impacted by the landfill. These resources include all biological and physical aspects such as plants, animals, water, and air. Wilderness values include visual quality and night sky clarity (related to air quality), recreational and spiritual experiences, and the peace and quiet necessary for a feeling of solitude.

Specific **WILDERNESS CONCERNS** I have include:

- **Wind-blown trash within the Wilderness boundary.** Trash inside the Wilderness is very likely due to high winds which common to the area. The Draft EIS/EIR proposes to mitigate the trash problem by ***flying helicopters over the area to pinpoint trash!*** Add more noise, more wind, more disturbance . . . .

- **Air quality impacts are reported in the Draft EIR/EIS to be significant in the Southeast Desert Air Basin where the open pits are located.** Visibility modeling as set out in the Draft EIR/EIS indicates several occasions where the visibility significance thresholds will be exceeded. The thresholds are defined by the National Park Service and supported by the Environmental Protection Agency. Visitors (like me) to the Joshua Tree Wilderness Boundaries will be subjected to some really nasty sights. **Over several years, 8 smoke stacks will be phased in to collect methane gas generated from landfill decomposition. We will be able to see the stacks and the emissions of visible air pollutants from flared methane.**

- Night sky darkness is becoming more and more scarce in this country. **Illumination of nighttime actives at the proposed landfill will completely ruin the Wilderness night sky experience for visitors like me.**

- **Odor is a common part of every landfill. My wilderness experience will be ruined by the smells of putrid decaying garbage.**

Specific **WILDLIFE CONCERNS** I have include:

- **Disturbance to bighorn sheep and other resident animal populations caused by noise, lights, odors, trains, and ground water draw down, which may effect the level of natural springs that wildlife depend on for water.**

- **Increased predation of desert tortoise within the Park cause by increases in raven populations attracted to the new food sources created by the landfill.** Ravens are the most ominous predator of the desert tortoise. Further, the **desert tortoise will be killed by trains and truck traffic entering the dump site.**

I implore you to choose the No Action alternative for this proposal. The ecosystem in and around Joshua Tree National Park will be forever altered if this dump is allowed, and another haven of beauty and solitude will be, literally, trashed.

Sincerely,

Grace Goodman Ross

Grace Goodman Ross

COMMENT LETTER 214

ROBERT CARROLL ROSS
310 Second Street East
Sonoma, CA 95476
707.939.0412

BUREAU OF ... 96 SEP 09 PM 1:39 ... AREA

September 16, 1996

Julia Dougan, Area Manager
Palm Springs-South Coast Resource Area
U.S. Department of the Interior
Bureau of Land Management
6221 Box Springs Blvd.
Riverside, CA 92507

Director Roger Kennedy
National Park Service
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Secretary Bruce Babbitt
U.S. Department of the Interior
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President Bill Clinton
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Vice President Al Gore
Office of the Vice President
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Honorable Diane Feinstein
United States Senate
Washington, DC 20510-0504

Honorable Barbara Boxer
House of Representatives
Washington, DC 20515

Response to Comment 214-1

The issues raised by this commenter are addressed in previous Responses to Comments. This comment is a duplicate of Comment Letter 213. See Response to Comment 213-1.

RE: COMMENTS ON THE EAGLE MOUNTAIN LANDFILL DRAFT EIS/EIR

Ladies and Gentlemen:

I have a lifelong commitment to preserving, protecting, and enjoying open space and environmentally sensitive lands. I am a frequent visitor to many of our national parks, and Joshua Tree National Park in particular.

I am writing to vehemently object to the proposed Eagle Mountain Landfill, based on the serious adverse impact to Joshua Tree National Park. The Park surrounds the proposed site on more than three sides of the proposed landfill site. The closest National Park bounder is 1.5 miles north.

I am aware that **there are at least three alternative landfill sites** which would not impact a national park which, in the case of Joshua Tree, enjoys Class I protective status. Clearly the three other sites are superior locations for a proposed dump of this magnitude.

It is imperative that you do everything within your power to prevent the dump. I hear reports that the federal government is busy buying mining interests outside of Yellowstone National Park, yet I hear nothing of Joshua Tree's plight. What is going on here?

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There are many Wilderness Resources and Wilderness values that will be impacted by the landfill. These resources include all biological and physical aspects such as plants, animals, water, and air. Wilderness values include visual quality and night sky clarity (related to air quality), recreational and spiritual experiences, and the peace and quiet necessary for a feeling of solitude.

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I implore you to choose the No Action alternative for this proposal. The ecosystem in and around Joshua Tree National Park will be forever altered if this dump is allowed, and another haven of beauty and solitude will be, literally, trashed.

Sincerely,

Robert Carroll Ross

Robert Carroll Ross

AUG 15 1996

...IDE COUN...
...NING DEPA...

To: Supervisor Roy Wilson
4080 Lemon St.
Riverside, Ca. 92501

The Desert Sun
Letters to the Editor
P.O. Box 2734 P.S.92263

County of Riverside PlanningDept.
4080 Lemon St.
Riverside, Ca. 92501

Bureau of Land Mgmt. Dept. of Interior
P. O. Box 2000
North Palm Springs, Ca. 92262

COMMENT LETTER 215

All the smooth assurances of the Mine Reclamation Corp. are truly ridiculous in the face of the many detrimental effects their outrageous project will have on the valley and on the desert.

Their declarations that their for-profit garbage dump will not harm underground water sources nor a majority of desert wildlife, and that it is earthquake-safe, leave all kinds of room for all kinds of questions: How will it harm the

1 | MINORITY of desert wildlife; how can it be earth-quake safe

in the event of a major quake that can raise mountains and

2 | collapse canyons and gorges? Surely such a fragile man-made structure cannot withstand the violent, twisting motion of a major earthquake that could simply crush it? In such a catastrophic event, what will happen when roads, freeways and railways, clogged with trains and trucks bearing tons of

3 | garbage through the Coachella Valley, are buckled and twisted, causing those tons of garbage to be strewn for miles. It would take weeks and months to clear - meanwhile creating pollution, stench, flies, rodents. The so-called "earth-

4 | quake safe" garbage dump itself will have split and buckled, releasing pollution and toxins into the water on which this valley depends, and causing loss of life of major proportions.

Response to Comment 215-1

It is assumed that "minority" refers to more common wildlife species occurring in the Project area that are not considered special-status species. The Draft EIS/EIR addresses impacts to these species on page 4.7-3. Although habitat for common species in the immediate vicinity of the Project area would be reduced, acquisition and protection of habitat through the Environmental Mitigation Trust would far exceed that loss and would benefit more common wildlife species. Loss of acreage of habitat for these species in the Project area is not expected to affect the persistence of populations of common wildlife species. See General Responses 3 and 6. Additionally, Response to Comment 28-103 addresses this issue specifically in regard to the rail line.

Response to Comment 215-2

Comment noted. Please refer to the response to General Response 5.

Response to Comment 215-3

Please refer to EIS/EIR Traffic and Transportation Section 4.3.2, Rail Transport. See Response to Comment 206-5. Also see Section 4.2 of the Draft EIS/EIR.

Response to Comment 215-4

See General Response 5. Also see Sections 4.1 and 4.9 of the Draft EIS/EIR.

But more immediately, the MRC admittedly anticipates air pollution from increased truck and train traffic, thus damaging an environment resource which draws much of the tourist trade to the valley - clear, clean air, allowing the beautiful mountain vistas to be seen; the cummulative effect of this pollution will certainly over time obscure them. 5

Why deliberately invite these disasters here? While there is still time, thumbs down on the Eagle Mountain garbage dump, or we will suffer the consequences for the next 99 years.

Mir Schlosberg Mir Schlosberg
205 Gran Via Palm Desert, Ca. 92260
(619) 341-3663

Response to Comment 215-5

Exhaust emissions from trucks and trains that will haul waste to the Project site will be minimized by use of the cleanest-burning engines available and by burning clean diesel fuel. The landfill equipment will also utilize the lowest-emitting equipment available and clean-burning fuel. In addition to these measures, the Highway Patrol inspects trucks for excessive smoke and tampering, and the South Coast Air Quality Management District has a smoke enforcement program that cites vehicles for excessive smoke. These enforcement programs will regulate malfunctioning smoking trucks are not operating in Coachella Valley.

The data in the Draft EIS/EIR (Section 4.4) indicate that the proposed Project's impacts for train and truck hauling of waste in the Coachella Valley would represent an extremely small fraction of the existing pollution levels in the Coachella Valley. In areas with particularly difficult air quality problems, it is often assumed that the existing air quality problem is so severe that any increase in pollution levels, even a fraction of a percent, will be significant. This idea has been used as the basis for requiring that new projects locating in such areas use all possible mitigation measures to reduce pollution. Based on this philosophy, extensive mitigation measures will be implemented for the landfill.

These mitigation measures will reduce the air pollution impact on the Coachella Valley, and throughout the desert. Pollutants that make up smog in the Coachella Valley include oxides of nitrogen (NOx), fine particulates (PM_{10}) and reactive organic compounds (ROC). The only pollutant for which emissions would be noticeable is oxides of nitrogen (less than 1 ton per day).

COMMENT LETTER 216

Aug. 7, 1996

Letters to the Editor
Desert Sun
Opinion Section

The so-called public hearing regarding the Eagle Mountain Landfill project on Aug. 6 was a travesty! It was held on a weekday in the middle of summer (as- are all 4 hearings), when
1 the majority of the opposition was unable to attend or was not even aware of its occurrence. The press release was dated July 30, the first hearing was Aug. 5.

The Mine Reclamation Corp. proudly introduced the audience they had packed, identifying about 99 percent of the 200 attending, all sporting the little white baseball caps and the buttons they had been given, all dutifully proclaiming the MRC agenda.

This biased group, or a similarly organized one, will undoubtedly move from one hearing to another, thus making it appear that there is overwhelming support for the Eagle Mountain project. When the majority in opposition return from their summer vacations, they will be stunned to find they've been sandbagged.

This blatant ploy by MRC demonstrates their grim and desperate determination to ram through their unwelcome garbage dump by any means, and opens to suspicion ALL their actions, promises and smooth assurances.

Mir Schlosberg
205 Gran Via
Palm Desert, Ca. 92260 341-3663

cc: Eagle Mountain Landfill Opposition
Super Roy Wilson
County of Riverside Planning Dept. Bur. of Land Management

Response to Comment 216-1

BLM has complied fully with its obligation to provide the public with a reasonable opportunity to review and comment on the Draft EIS/EIR. In the first week of July 1996, the BLM mailed a Notice of Availability to all individuals on the mailing list—more than 160 persons, agencies, and organizations. On July 12, 1996, BLM published the Notice of Availability announcement in the Federal Register. BLM held the first public hearing 17 days later, on August 5, 1996. This schedule was consistent with established BLM policy, which states that a public meeting generally should be held no sooner than 15 days after publication of the Notice of Availability. Four hearings were held rather than the one hearing that is required under NEPA. Furthermore, by holding the meetings on four different times at four different locations, BLM provided a reasonable opportunity for interested members of the public to attend. Finally, any members of the public who could not attend any of the public meetings are not precluded from commenting, because all individuals and groups have an opportunity to submit written comments.

COMMENT LETTER 217

EAGLE MT DEIS

I am concerned that the EIS does not consider the impact that 40 trains a day more will have on traffic ~~waiting~~ to cross the railroad tracks in Cabazon. With the current level of rail traffic, residents of lower Cabazon + fire + rescue vehicles often have to wait 5 to 10 minutes & especially if 2 trains pass at the same time. If the rail traffic increases, there will be times when it will be impossible for fire or rescue trucks to reach ~~the~~ an accident or fire site.

1

Cabazon is probably the only town along the tracks that does not have an overpass for vehicles to bypass trains. I believe an overpass for Cabazon needs to be addressed in any approval for the Eagle Mt Landfill.

Ed Ski Szymkowski
PO 750
Cabazon 92230

RECEIVED
BUREAU OF LAND MANAGEMENT
96 SEP -5 PM 2:18
PALM SPRINGS-SOUTH COAST
RESOURCE AREA

Response to Comment 217-1

The maximum volume of rail transport traffic associated with the proposed Project will be 6 trains per day, not 40. As noted in EIS/EIR Section 4.3, train-induced delays at railroad crossings will not be significant. In reference to construction of an overpass, such a determination is a decision to be made by the appropriate municipal, county, or state government.

COMMENT LETTER 218

SEP 19 1996

SEP 25 1996

Elsie Sheldon
P. O. Box 957
Indio,
CA 92202

September 16, 1996

Dear Chairman Ceniceros:

Several years ago I read a Reader's Digest article telling about the loot and scoot proponents of dumps. The July 1995 issue states in "The Recycling Myth, page 107," that these big dumps are no longer needed. "According to calculations done by economics professor Clark Wiseman of Gonzaga University in Spokane, Wash., 1000 years of U. S. trash piled 300 feet deep would fit in an area 30 miles square."

Aside from environmental concerns I need to know how and who will finance the Eagle Mountain landfill. I heard the mumbo jumbo presented at the water board meeting and worry about who will foot the bill if nobody wants to pay us to take their garbage. Who will be accountable when Rick Daniels and the present board are no longer around? 1

I drive freeway 10 daily and the volume of trucks using it now is enormous. Will there be a limit to the number of garbage trucks in use? Who will control those numbers? Will the drivers be paid per load causing the drivers to take risks for as many trips as possible for as much profit as possible? 2

Please show this to the board and post it in the record.

This is my most serious concern that I want addressed. I have many others.

Sincerely,

Response to Comment 218-1

See Response to Comment 20-52.

Response to Comment 218-2

As specified in the Project Description, and to be a condition of Project approval, the number of waste transport trucks will be limited to 100 per day (e.g., 200 round trips per day). Drivers will be subject to regulation as commercial carriers by the Interstate Commerce Commission, as well as all highway safety statutes. As part of the Project description, the number of trucks and trips is included in the specific plan for the landfill. These specific conditions will be addressed by the County as part of the land use applications for the Project. If the Project is approved, specific conditions including trucks and trips will be enforced by the County as part of the Specific Plan. Truck drivers will be required to observe posted speed limits.

Lynne Shmakoff P.O. BOX 2183, TWENTYNINE PALMS, CA (619) 361-3501

August 28, 1996

Henri R. Bisson
District Manager
Bureau Of Land Management
6221 Box Springs Boulevard
Riverside, CA 92507-0714

Dear Mr. Bisson:

The Eagle Mountain Dump project was tried in the courts and was defeated because of a flawed EIR/EIS. The proponents have now released new EIR/EIS that is flawed in exactly the same way as the original.

LINER SYSTEM:

All liners will leak from the time of installation. The proponents of the proposed Rail-Cycle Bolo Station Landfill admitted at their hearing in San Bernardino, that it is impossible to leak proof the liner and that it will have small leaks in the seams once it has been installed.

1

There is allot of denial that sharp objects will pierce the liner. It doesn't take a rocket scientist to know that the weight of a bulldozer moving trash is enough to force any blunt or sharp object through the liner system. This liner is about as thick as an asphalt floor tile.

POTENTIAL FOR GROUNDWATER CONTAMINATION:

The DEIR/EIS states that this liner system will last forever. Experts from the U.S. EPA have stated that this is incorrect.

1. "The combined mechanical and chemical stresses under which the liner system functions may cause cracking and breaking of the components due to environmental stress-cracking or possibly to mechanical fatigue under long service." and

2

2. "Seams of FML's continue to be an area of concern, as none of these test methods truly assess the effects of long-term exposure in landfills." and
3. "Clogging of drainage and detection systems continues to present a problem. The clogging can be by biological clogging due to growth or sedimentation or through precipitation of dissolved constituents.

(1)

Response to Comment 219-1

This comment focuses on the geomembrane in the liner system. In considering the potential for leakage through the geomembrane it is important to keep in mind that the geomembrane is only one component of the multiple redundant and complementary systems engineered to prevent landfill impacts on groundwater quality. As described in Section 2.1.5 and Appendix C-3 of the Draft EIS/EIR, these systems include the following: (i) liner system; (ii) leachate collection and removal system; (iii) unsaturated zone liquid and gas monitoring systems; (iv) final cover system; (v) active gas extraction system; (vi) groundwater monitoring system; and (vii) surface-water monitoring system. (Also, see Figures 1-3, 2-9, 2-11, and 2-12 of the Draft EIS/EIR.)

The first component of this comment relates to the potential for leakage through geomembrane liners at the time of installation. This issue and the EPA study mentioned in the comment are addressed in detail in Response to Comment 20-36. In particular, the response indicates that the EPA study does not draw the conclusion stated by the commenter and that the commenters cited leakage rate is unrealistically high for the liner system design presented in the Draft EIS/EIR.

The second component of this comment relates to the potential for trash placement operations to damage the geomembrane liner, which is relatively thin. This potential is negligible because the design requires that trash placement not occur within 3 feet of the geomembrane. Specifically, in all areas of the landfill the geomembrane will be covered with a minimum thickness of three feet of controlled soil fill prior to waste placement. As indicated in Section 2.1.5.1 of the Draft EIS/EIR and Section 6.2.3 of the ROWD, the soil fill thickness will consists of the LCRS gravel layer and a protection layer. Please see also General Response 5.

Response to Comment 219-2

The liner system and LCRS presented in the Draft EIS/EIR have been designed in consideration of all the long-term performance issues mentioned by the commenter. These issues are addressed in detail in Response to Comments 20-32 through 20-35.

The U.S. EPA commissioned study, has proven that the leakage rate for plastic liners is 21 gallons per acre per day, from the first day of installation, with the best quality control technology employed.

SIGNIFICANT IMPACTS TO AIR QUALITY:

The proposed project would be expected to have a significant impact on ozone due to hydrocarbon and NOX emissions. The elements that will have a significant impact are,

1. Nitrogen Dioxide
2. Carbon Monoxide
3. Sulfur Dioxide
4. Particulate Sulfates
5. Fine Particulate

3

The risk assessment for the project states that risk from toxic air contaminants associated with the project is greater than a one in a million level which is typically assumed to represent a significant toxic impact.

SUMMARY:

Debris from the proposed project will have an impact on the Joshua Tree National Park. There will be a significant impact to air quality, a potential for ground water contamination and a threat to the flora and fauna in and around the proposed dump site.

Sincerely,

Lynne Shmakoff

Response to Comment 219-3

The impacts to air quality are concluded to be significant, and are specifically detailed in Section 4.4 and Appendix E of the Draft EIS/EIR.

COMMENT LETTER 220

14 August 1996

Henri R. Bisson
District Manager
Bureau of Land Management
California Desert District Office
6221 Box Springs Blvd.
Riverside, CA 92507-0714

RECEIVED
BUREAU OF LAND MANAGEMENT
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RIVERSIDE, CA

RETURN TO:			
AMS			
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Dear Mr. Bisson:

We are responding with written arguments to the Draft EIS/EIR for the proposed Eagle Mountain Landfill and Recycling Center Project.

1 Individuals and groups opposing the Project have presented many well-researched arguments that demonstrate the predictable failure and danger of such an undertaking. The proposed development would impact a delicate ecosystem that extends far beyond the Kaiser Mine and proposed landfill support areas and far beyond the mitigation abilities of Mine Reclamation Corporation (MRC) and the taxpayers of the State of California. It is not necessary to recant the list of Project inadequacies and fallacious reasoning. Many concerns have been discussed in a Sierra Club, San Gorgonio Chapter document dated 23 July 1996 (Opposition Position Paper on the Proposed Eagle Mountain Dump).

Response to Comment 220-1

The comment refers to the Sierra Club, San Gorgonio Chapter letter dated July 23, 1996. See Response to Comment letter 20.

We agree with this document and specifically call attention therein to impacts on water rights and depletion of the Chuckwalla Acquifer, to the character of MRC CEO Rick Daniels and his history with Waste Management, Inc. as described by San Diego District Attorney Edwin Miller (page 13), and to the resulting high risk to California taxpayers of MRC bankruptcy and flight following development. There is also the certain and unmanageable impact to individual plant and animal species and the biodiversity and ecologic balance within a large part of the desert including Joshua Tree National Park.

Two of the most important issues brought to bear in the above document are the undenied inevitable degradation of groundwater reserves and the largely ignored alternative solutions to this and other landfill projects.

MRC admits that the plastic liner will degrade and utimately fail to protect groundwater allowing seepage to occur within 100 years. Designers have included implementation of monitoring wells, but these are not appropriate for dumps with liners; leachate pouring from unlocatable leaks forms a linear pattern that may route around wells and easily go undetected.

2

Response to Comment 220-2

There are no known statements in the Project record where MRC has indicated that the geomembrane liner will degrade and allow leakage within 100 years. At a RWQCB hearing in May 1994, Mr. Gary Johnson of MRC stated that the geomembrane liner was expected to last hundreds, if not thousands, of years. Moreover, as indicated in Section 4.1.2.1 and Appendix C-3 of the Draft EIS/EIR, the durability of the geomembrane liner, while expected to be excellent, is just one factor which affects the long-term effectiveness of the landfill containment systems. Other major factors include the arid site conditions (which will result in negligible long-term leachate production), the design of the final cover system and its ability to be maintained, and the use of soil components in the design of the liner systems. In particular, the 2-foot-thick compacted soil component of the liner system and the GCL component of the unsaturated zone monitoring system are composed primarily of soil minerals. Soil minerals are stable geological materials that are highly resistant to degradation and that are expected to function indefinitely in the chemical and physical environment of a municipal solid waste landfill liner system. Also see Response to Comment 21-13.

The second component of the comment relates to the ability of the groundwater monitoring system to detect line source releases from the geomembrane liner. It should be noted that in the unlikely event of a release through the liner system, the unsaturated zone monitoring systems, which form a continuous blanket on the ground surface beneath the liner system, will allow detection, evaluation, and response to the release prior to the occurrence of groundwater impacts.

Notwithstanding the ability of the unsaturated zone monitoring system to detect potential leachate releases, the comment can be addressed by considering the path that leachate, if present, would travel after passing through a hypothetical defect in the liner system. This path would result in the leachate being dispersed (i.e., subsurface leachate migration in the local bedrock is not dictated by flow through single discrete conduits. The leachate will be dispersed because the bedrock is sufficiently fractured that it represents a (granular) porous medium (see Section 3.1.1.1 [page 3.1-4]). The groundwater monitoring system is based on the demonstration concept of porous-media equivalency and on the most likely paths of groundwater flow

Additionally, the substrate is fractured by ancient and recent seismic activity. Though largely ignored or denied, earthquakes do commonly occur in the Eagle Mountain area as demonstrated in
3 seismic records of Southern California maintained by the California Institute of Technology. Leachate could enter any number of fissures and spread unpredictably. (We have included information specific to this issue including a distribution map of registered quakes from 1933 to 1990 within the Kaiser Mine property and in surrounding areas).

under the landfill (see Section 4.1.2.1 [page 4.1-12] and Response to Comment 20-38).

Response to Comment 220-3

The Draft EIS/EIR recognizes the fractured nature of the bedrock at the site. Sections 3.1.2.1 and 3.9.1.3 and Appendix C-4 of the Draft EIS/EIR summarize the results of extensive studies to characterize faults, joints, and fractures. The effects of fracturing on the movement of groundwater at the site have been considered in detail in hydrogeological studies described in Appendix C-4 of the Draft EIS/EIR and in Supplemental Volume 2 of the ROWD. The results of the hydrogeological studies indicate that, rather than being unpredictable, groundwater flow in the fractured bedrock beneath the site is well understood and can be reliably monitored. The selection of locations for groundwater monitoring wells, as discussed in the response to the commenter's previous comment, reflects this understanding.

This comment is similar to Response to Comment 195-20ae. Also see response to that comment. The main issue presented in this comment is the effect of active faulting at the Project site. An active fault is one where surface displacement has occurred within the last 11,000 years (Holocene Epoch). Federal and state regulations for landfill siting state that landfills should not be located on or near (within 200 feet) an active fault.

The EIS/EIR cites the numerous studies that were performed to assess the seismicity of the Project site. These studies are included in the EIS/EIR as Appendices H-1 through H-5 and present an extensive evaluation of active faulting on and near the Project site. Based on the site specific studies referenced in the EIS/EIR the last instance of active faulting at the site occurred at least 40,000 years ago and could have occurred more that 100,000 years ago. The studies conclude that there are no Holocene (active) faults at the Project site and that active faulting has not occurred within 200 feet of the Project site.

The records available from Cal Tech and the USGS were referenced for these studies in addition to geologic mapping and trench logging, aerial photographs, soil stratigraphy, geomorphology and age dating of rock materials. An overwhelming volume of evidence is presented in the EIS/EIR studies for the lack of active faulting on or near the site. Active faults are not

indicated by the presence of microseismicity at the site. In addition, these microseismic events occur throughout metropolitan areas within Southern California on a daily basis and do not affect the structures located there.

The cracked and buckling sidewalk at the Townsite, if considered on its own, is not an indication of active faulting. There are many other causes that would explain the cracked sidewalk including poor construction, inadequate construction materials, poor subgrade preparation, extreme temperatures, frost wedging, or expansive soils. Because there is a preponderance of geologic data supporting the lack of active faulting at or near the landfill site, the cause of the buckling is most likely due to one of the other reasons stated above.

Some of the seismic events recorded by Cal Tech/USGS in the mid-1970s were actually the result of mine blasts at the Kaiser Iron Mine (Eagle Mountain Landfill). Therefore some of the epicenters plotted by the commenter within the project site boundary are the result of non-seismic sources (i.e., mine blasts) and are not related to active faulting.

The earthquake epicenter data from Cal Tech and the USGS is available to the general public and private industry. This data was accessed and incorporated in the earthquake (seismic) analysis for the Project presented in the EIS/EIR. A probabilistic seismic hazard analysis was performed for the Project site based on known active and potentially active faulting and nonfault-specific seismicity near the site. This analysis includes the earthquake records referenced by the author of the comment. The results of the seismic analysis for the Project are presented in Appendices H-1, H-2, and H-3 of the EIS/EIR.

The Victory Pass and Substation faults were extensively evaluated for the EIS/EIR and the results are included in the Appendices H1 and H3. The studies included microseismic evaluation, aerial photograph analysis, kinematic evaluation, scarp erosion analysis, and geomorphic studies. Based on these studies there is no evidence of Holocene movement on these faults and therefore they do not fit the definition of active faults according to the State and Federal regulations for siting of landfills. The closest active fault is the San Andreas fault that is 33 miles to the west of the site.

4 Beyond this argument is the simple fact that following the expected deterioration of basal liners and resultant contamination of precious water supplies, there is no going back. Once infiltration begins, it will continue indefinitely, matched by unlimited health and reclamation costs. Quantifying an impact does not make the impact less significant. Monitoring does not protect the water. It does not clean the water. Monitoring is not a solution.

The probabilistic seismic hazard analysis performed for the Project included extensive evaluation of the potential for seismic impacts at the site. The site design horizontal ground acceleration of 0.56g is attributable to random, nonfault specific seismicity within the Southeast Transverse Ranges. No other earthquake sources were found that exceeded this value for seismic design considerations including the San Andreas fault.

The data presented from Gary Fuis are for earthquakes with a magnitude of less than 3. Earthquakes less than magnitude 3 are too small to be felt by humans. These east-west alignments imply minor seismic activity at depth in the vicinity of the Victory Pass and Substation faults. Contrary to the comment statements, these faults are not "known to be active" since there is evidence that surface displacement has not occurred during the Holocene. As a result the State of California has not designated either of these faults as active or Holocene faults.

The probabilistic seismic hazard assessment performed for the project site is presented in the ROWD prepared for the proposed Project. This assessment used a conventional assumption of a "Poisson's," or random, temporal distribution of earthquakes from each seismic source. All the earthquake records available from Cal Tech are reflected in this probabilistic assessment including the micro-seismic events related to the Victory Pass and Substation faults. The peak ground acceleration and spectral acceleration levels derived from this analysis for the project site are dominated by the southeastern Transverse Ranges and Blue Cut fault sources. The results of this analysis are considered to form the basis for design of a landfill with a high degree of seismic resistance that provides a high level of protection to the environment.

Response to Comment 220-4

The concern regarding liner system degradation is addressed in Response to Comment 220-1 and General Response 5.

With respect to the concern that monitoring does not protect or clean ground water, the Draft EIS/EIR provides information indicating that although ground-water monitoring is not in itself a remediation technique, it is certainly protective of ground-water quality. Specifically, Section 4.1.2.1 (page 4.1-11) of the Draft EIS/EIR and Section 11 of the ROWD discuss required measures to be carried out by the landfill operator in the hypothetical event that a release is detected in

Opponents to development of the Eagle Mountain Landfill Project are more importantly opponents of an archaic and ruinous concept of refuse disposal. They have researched this problem and found that a variety of alternative solutions are in active use across the nation, including incineration, large scale composting and landfill
5 mining. Composting by the Bedminster Bioconversion Plant is in the permit process at the City of Palm Springs. Landfill mining has been studied by and is now encouraged by the California Integrated Waste Management Board (page 11, Sierra Club document above). With these solutions available, it is irresponsible if not criminally negligent to permit an outdated and contaminating open dump to be initiated in any area now or in the future.

It is true the limited area of Kaiser Mine is not unadulterated, but the scarred land of this site should not be an invitation to a much worse insult, and should certainly not be used as an excuse
6 for one. Indeed, contrary to MRC airtime suggestions, the massive East Pit would not receive trash for 50 to 75 years from opening date. The undisturbed washes and side canyons to the west of the mining pits would be filled initially.

The above issues are a few of the many that have been well thought out by hard working citizens. They are not our concerns only, but are concerns of paramount importance to the public interest and should be reflected as strongly by the United States Department of the Interior and the Bureau of Land Management, our guardians of that interest.

Thankyou,

James H. Toenjes Carolyn R. Toenjes

Harrison R. Toenjes, Carolyn R. Toenjes, James H. Toenjes
1863 Park Drive - Palm Springs, California 92262

Dollie Irwin Dollie Irwin
420 N. Morongo Ave. Banning, California 92220

Julianne M. Toenjes
2641 Lodgepole Hemet, California 91544

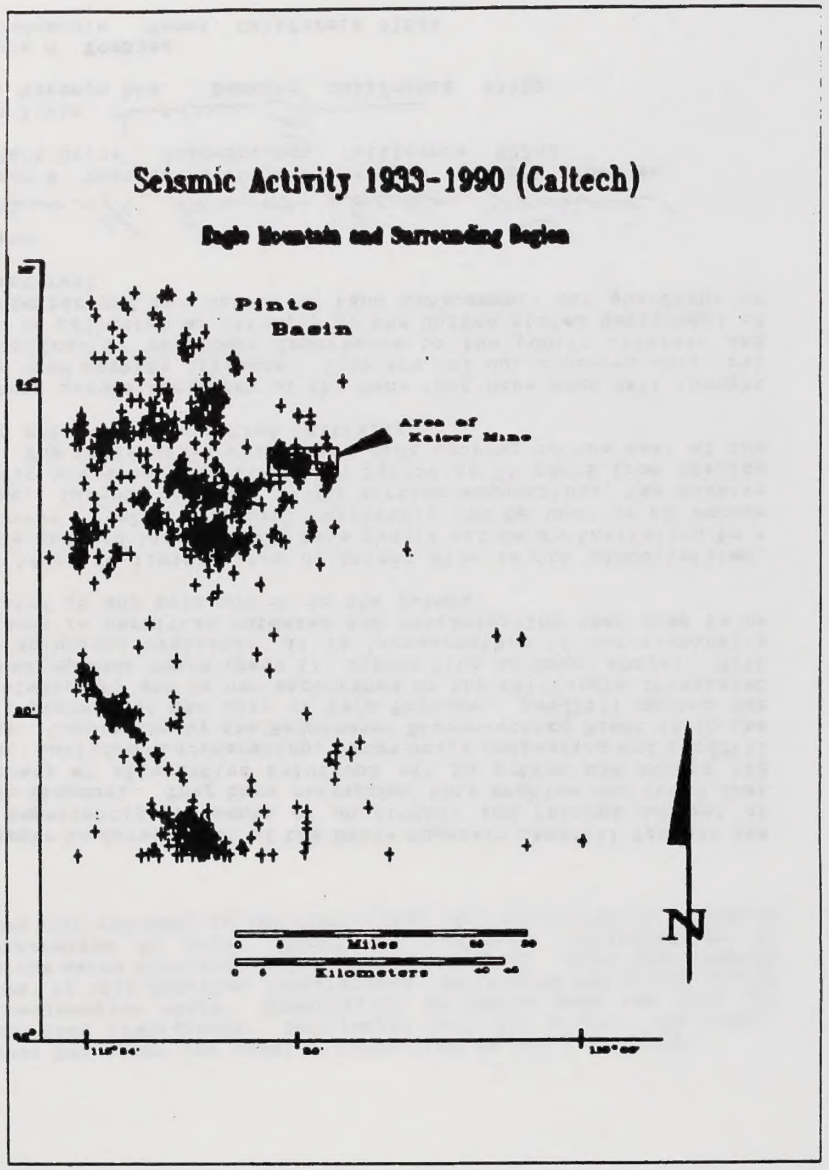
the groundwater monitoring system. These required measures include additional monitoring and corrective activities to remediate any contamination of the groundwater that could have resulted from the release. The extent of contamination will be as small as possible because, as discussed in Appendix C-4 of the Draft EIS/EIR and in Response to Comment 220-1, the groundwater monitoring wells have been located to allow detection of a release at the earliest possible time.

Response to Comment 220-5

A wide range of alternatives was considered in preparing the EIS/EIR for this project. Some alternatives were eliminated from detailed consideration, while others were carried forward for detailed analysis in the EIS/EIR. Generally, alternatives were eliminated from detailed analysis if it was determined that they would not meet the purpose and need for the Project. Please refer to Section 2.8 of the EIS/EIR for a detailed discussion of the reasons for eliminating particular alternatives, including waste diversion and landfill mining. As discussed in that section of the EIS/EIR, these alternatives complement the proposed action but are not feasible "alternatives" for NEPA/CEQA purposes. See General Responses 1 and 2. Also see Response to Comments 20-47 and 195-29.

Response to Comment 220-6

The proposed landfill surface area covers approximately 2,164 acres, consisting of canyons, ridges, and a former open pit mine (East Pit). The East Pit covers approximately one-quarter of this acreage. Landfilling will progress from west to east in five primary phases. The western portion of the East Pit will begin being filled in about Year 29. The deepest portion of the East Pit will not be filled until Phase 5 of the operations. Refer to Section 2 of the Draft EIS/EIR and the ROWD for more detail on landfill phasing.


Seismic Activity 1933-1990 (Caltech)
Eagle Mountain and Surrounding Region
Pinto
Basin
Area of
Kaiser Mine
Miles
Kilometers
N

August 19, 1992 (Attachment to Statement to Council)

For the Record, we are resubmitting information from correspondence to the Palm Springs City Council presented on June 11, 1992, which documents seismic activity, magnitudes of 1.6 to 3.0, in the Eagle Mountain area and surrounding region from 1930 to 1990. Twelve hundred eighteen seismic events are recorded on the attached maps. Of these, thirteen are in the proposed landfill boundaries and ten others are within the larger project area. Also included is more detailed information on the subject.....

A state ruling bars the siting of landfills within 200 feet of active faults (Gary Johnson, MRC executive, personal communication). MRC contends on the basis of their own on-site inspections and information from Riverside County that no earthquake activity has occurred in the project area in at least 10,000 years, and that the nearest active fault is the San Andreas Fault, 26 miles to the southwest.

Contrary to the MRC assessment, active faults directly affect the proposed project. Data provided by California Institute of Technology, Pasadena, indicate numerous seismic events occurred within the proposed site area from 1974 to 1976. Thirteen epicenters of documented earthquakes ranging in magnitude from 1.6 to 3.0 have been plotted within the proposed landfill boundaries. Ten others were located within the larger project area. Direct evidence of subsurface instability may be observed in the cracking and buckling of cement sidewalks at the nearby elementary school. This constant shifting of the ground requires routine filing and chipping (smoothing) of the cement to prevent injury and to allow class-room doors to be opened. Active faulting in the area around the Kaiser Mine is evident as well in data supplied by Gary Fuis, Geophysicist with the U.S. Geological Survey, Menlo Park, CA.

The enclosed is a copy of our statement to the Riverside County Planning Commission presented during the hearing in Riverside June 4, 1992. Also included are two plots of seismic activity in the area of concern. Both the hand drawn map of the landfill area and the computer generated map of the Eagle Mtn. region utilize the same body of Caltech data.

The landfill map was traced from U.S. Geological Survey 7 1/2" topographic maps. The indicated epicenters were plotted with a longitude/latitude scale accurate to the second. These locations were selected from over 1,200 legible data entries (app. 10 % of the database could not be read from the copy) for proximity to the project area.

The regional map is a plot of 1,218 epicenters recorded by Caltech over the years between 1933 and 1990 (the original printout is with the Charpieds). Longitude and latitude for these points were converted by computer to x-y coordinates and plotted to observe patterns of seismic activity throughout the area surrounding the Kaiser mine.

Gary Fuis, geophysicist with the U.S. Geological Survey in Menlo Park, told me (James Toenjes) that active faulting would be indicated by aligned locations and that two faults within seven miles of the Kaiser mine, Victory Pass and Substation, are known to be active and could produce a quake of magnitude 6. There appear to be numerous linear patterns of single as well as clustered events to the north, west and south of the proposed project area indicating a good deal of activity within a radius of 15 miles. The Victory Pass Fault and the Substation Fault are 7 and 4 miles respectively to the south of the mine.

James Toenjes

SEP 16 1996

COMMENT LETTER 221

The Truitts
P.O. Box 147
Desert Center, CA 92239

RECEIVED
SEP 17 1996
RIVERSIDE COU
PLANNING DEP

September 12, 1996

Riverside County Officials and
Bureau of Land Management

Re: Comments on the Draft EIS/R for Eagle Mountain Landfill Project

We are long-standing Lake Tamarisk residents writing to register our comments on the new environmental analysis for the proposed Eagle Mountain project. The vast majority of residents living near the proposed project site support the proposal and believe that our voice needs to be heard and considered. We would like to see the eastern part of Riverside County contribute more financially to our county.

We have read the Draft EIS/R and have the following comments:

1 The document analyzes an alternative that uses Kaiser Road as the route to the site rather than Eagle Mountain Road. This is NOT a popular idea due to the increased traffic near our community where school children are bussed and other negative impacts. The majority of the residents would prefer the Eagle Mountain Road alternative.

2 We attended scoping sessions for the proposed project and heard the Park Superintendent speak regarding concerns related to potential impacts to Joshua Tree. The Park officials should understand that there are people who live here who have a stake in this as well. The wildlife out here seem to be as healthy as they were during the 40 years of mining at Eagle Mountain. Bighorn sheep and many other species did not seem to be bothered by the almost daily blasting, the vehicle noise or night lighting. Is there any evidence to the contrary, and if so, what?

3 We also noted that in Appendix E of the technical section there is a comparison of the air emissions from Eagle Mountain and the approved expansion plans for the Park. Can the Park officials explain why PM10 emissions from their own growth were not considered significant in their own analysis on themselves but that the lower PM10 emissions from a project outside the Park are significant? We do not understand the logic in this conclusion.

4 The Park Superintendent said the Park Service has a mandate to perform long-term monitoring and research in order to protect the Park from changes to the ecosystem that may be unknown today. Does the Park have any such monitoring and research available today? We would like to see it if there is any. Also, does the Park currently have enough money to do all the studies they need to do to accomplish their research needs with or without Eagle Mountain? It seems to us that the landfill project could provide the Park with the funding to support the research they need to do.

Response to Comment 221-1

Comment acknowledged.

Response to Comment 221-2

The comment poses a question to NPS asking if there is any evidence showing that wildlife was impacted during 40 years of blasting at the mine. The NPS response, which is included in its entirety in Appendix O of the Final EIS/EIR, states that the Lost Horse Mill Site in JTNP discusses disappearance of the pinyon/juniper forest as a result of mining activity (see page 2, response number 1 of the NPS letter in Appendix O.

Response to Comment 221-3

The comment poses a question to NPS asking NPS to explain why the PM_{10} emissions from JTNP's expected growth (e.g., traffic emissions) were not considered significant in the NPS's own analysis (Joshua Tree National Park, General Management Plan, 1995) but that lower emissions from the projected Project outside JTNP are significant. The NPS response, which is included in its entirety in Appendix O of the Final EIS/EIR, states that JTNP does not engage in activities that generate fugitive PM_{10} emissions. (See page 2, response number 3 of the NPS letter in Appendix O.) Also, see Section 5 of the EIS/EIR.

Response to Comment 221-4

The comment poses a question to NPS asking if JTNP has conducted any monitoring and research, as specified in its mandate, to protect JTNP resources. The comment also requests whether JTNP has enough funding to conduct required research with or without the proposed Project. NPS responds that JTNP is currently gathering information on air and water quality, desert tortoise reproduction, vegetation mapping, and restoration of restored lands. See the complete NPS response (page 2, response number 3) in Appendix O. NPS also responds to the funding request by citing grant funds, private monies, agency monies, and other miscellaneous facility sources.

5 We understand that there is considerable land within the Park that is currently owned by private individuals. Could all of that land be developed or is the Park going to try to halt all development inside or near the Park? If this is so, it seems to us the Park should advise all the property owners of their intention to prohibit their right to develop their land. What ever happened to property rights?

6 The last time through, the then Park Superintendent testified at a public hearing that the Park would be protected adequately for any long term impacts so long as the project developer stuck to the mitigation and the conditions of an agreement the Park had with the developer. Is that agreement still in effect? If not, why not? It seemed to make good sense.

7 There is discussion in the document about night lighting and noise. We know that is another Park concern as was addressed at the scoping meeting, but there are already existing businesses and industry out here that impact the lighting and noise. We depend on those businesses for our local economy and jobs.

8 There is an exhaustive study of the potential impact to the water out here and we believe the conclusion that with the proposed liner and monitoring wells and other mitigations there really is no threat to our water.

9 The questions regarding the earthquake zone and the impact the shaking might have on the landfill have all been answered with the information contained in the document. We are not located in an active earthquake area like in the Coachella Valley so there should be no question that it is actually safer here than any location west of here.

Response to Comment 221-5

The comment asks NPS if the private land within JTNP could be developed and whether JTNP staff intend to advise property owners, both inside and outside Park boundaries, of JTNP's intent to prohibit private property rights. In Appendix O, response number 5, NPS states that commercial use in JTNP is incompatible with park objectives but that development consistent with a plan of operation (for mining) or rights of use and occupancy of a private dwelling within a national park is authorized.

Response to Comment 221-6

The comment states that a previous JTNP superintendent previously stated that the park would be protected if the developer adhered to specific mitigation measures in a previous agreement. The comment asks if the agreement is still in effect and, if not, why. The NPS responds that JTNP does not support the landfill and no agreement has been entered into (Appendix O, Response Number 6). Subsequent to the publication date of the NPS letter, an agreement has been negotiated with the Project applicant. (Appendix T) in which the NPS states that the EIS/EIR is a "complex analysis of the known effects of the Project upon the environment."

Response to Comment 221-7

The comment states that there are existing businesses and industries in the area that impact light and noise. In the interim since publication of the Draft EIS/EIR, additional analysis has been conducted for light. See Appendix W of the Final EIS/EIR for additional discussion of nighttime lighting. A detailed noise analysis is in Section 4.13 of the Draft EIS/EIR.

Response to Comment 221-8

Comment acknowledged.

Response to Comment 221-9

Comment acknowledged.

The alternatives section was interesting and very thorough. Why didn't it look at what would happen without Eagle Mountain when all the trash is
10 transported through the desert anyway and what those impacts would be to the Coachella Valley residents? Also, what waste is already moving on those same highways and railroads in our area? We can't stop it can we?

Finally, we would like to reemphasize the amount of support in the local community for this project. We believe in the environmental protection provided by the superior design of the project. Many of us have taken the
11 time to visit other sites and educate ourselves about this issue all the way along. Our conclusion is that this project makes sense. Eagle Mountain landfill has been studied enough. It is time to act.

Thank you for considering our comments.

Sincerely,

Mickey-Will

Mickey and Will Truitt
Lake Tamarisk

Response to Comment 221-10

The Draft EIS/EIR does acknowledge that, in the absence of adequate landfill capacity to meet the projected waste disposal needs from the proposed seven-county wasteshed, Riverside County and other counties in Southern California will have to rely on existing landfills, some of which are not meeting regulatory operating standards, and new or expanded landfills. This is part of the No Action alternative. The focus of the EIS/EIR is, however, to evaluate the environmental impacts specifically associated with the proposed Eagle Mountain Project.

Response to Comment 221-11

Comment acknowledged.

COMMENT LETTER 222

August 30, 1996

Honorable Bruce Babbitt
Secretary of the Interior
1849 "C" Street N.W.
Washington, D.C. 20240

RE: Eagle Mountain Landfill

Dear Mr. Secretary:

I am a retiree from Kaiser Steel, Eagle Mountain. On August 16, 1996 I contacted the Bureau of Land Management, California District Office in an attempt to obtain the technical appendices necessary to adequately review the proposed Eagle Mountain Landfill that will be located next to Joshua Tree National Park Service lands with a BLM federal land exchange and right of way. Several other citizens opposed to this project experienced the same frustrations as I did regarding access to these public documents.

We were informed that the documents were not available. Further, we were informed only a limited number of copies had been made and distributed to "local" agencies. We requested to see who had received the documents and were denied this information. In addition, we were interrogated regarding our interest in the project and our desire to make public comments. Two weeks later after much discussion and payment of over $100, the technical documents needed to adequately analyze the 100 year Eagle Mountain Landfill proposed in the heart of the California Desert Conservation area, next to a major National Park Preserve and in the heart of Desert Tortoise habitat, finally arrived.

It is disturbing that information critical to the public's analysis of such a major project on public lands and with two federal right-of-ways, is withheld from the public. The delay in obtaining these documents has caused significant hardship.

Response to Comment 222-1

Adequate review time was provided to the public. The review period for the Draft EIS/EIR was 67 days, which exceeds the review period required for both NEPA and CEQA. NEPA requires a minimum of 45 days for public comment on a draft EIS (40 CFR 1506.10). CEQA requires a minimum of 45 days for public comment on a draft EIR unless the State Clearinghouse approves a shorter period (CEQA, Section 15087).

The Notice of Completion for the EIR was filed on July 2, 1996. The Notice of Availability for the EIS was published in the Federal Register on July 19, 1996. To facilitate public review, the July 19, 1996, date was used as the starting date for determining the review period. The closing date for public comments was originally September 10, 1996, which would have provided 50 days for public comment. This date was extended to September 17, 1996, which resulted in almost 67 days for public review. The BLM and the County of Riverside determined that an adequate public review period had been provided and that an additional extension to the public review was not warranted.

To accommodate public review of the Draft EIS/EIR, an initial printing of 350 copies of the Draft EIS/EIR and 150 copies of the two volumes of the technical appendices was prepared. In response to requests, an additional 20 copies of the Draft EIS/EIR and 16 copies of the two volumes of the technical appendices were printed, resulting in a total of 370 copies of the Draft EIS/EIR and 166 copies of each of the technical appendices. After sending copies of the Draft EIS/EIR to individuals and agencies on a consolidated BLM and County mailing list of approximately 160 people, the remaining copies were sent to members of the public upon request. Copies of the document were sent out within 24 hours of the date of the request. In addition, copies of the complete document (EIS/EIR, Volumes 1 and 2 of the Technical Appendices) are in more than 20 libraries in Southern California and the San Francisco Bay area. Copies are also available for review in the Palm Springs and Riverside offices of the BLM and in the Indio and Riverside offices of the County.

I request that the public comment period be extended for an additional 60 days beyond September 17, 1996, so that sufficient time is allotted to review these lengthy technical documents that have been so difficult to obtain. Further, I request these documents be made available to the public in a timely manner.

Sincerely,

Jackie Underwood
672 Hewitt
San Jacinto, CA 92583
(909) 654-4639

cc: Henri R. Bisson, District Manager, Bureau of Land Management
Molly Brady, Assistant District Manager of Planning and Renewable Resources
Bureau of Land Management
Senator Dianne Feinstein
Senator Barbara Boxer
John Garamendi, Deputy Secretary of the Interior

RODOT CORP C/O ROLAND A. VERY, PRES.

WINTER-BOX 736, LOT 90 LAKE TAMARISK LAND YACHT HARBOR,DESERT CENTER CA.92239 PH. & FAX (619)227 3083

SUMMER---122 LAKE PLACID CLOSE S.E., CALGARY ,ALBERTA, CANADA. T2J 5A5 PH. (403)271 0021 FAX (403) 271 8990

JULY 25,1996.

MR. DAVID MARES,
COUNTY OF RIVERSIDE.
COUNTY ADMINISTRATIVE CENTER.
4080 LEMON ST. 9th. FLOOR.
RIVERSIDE CA. 92502-1409

DEAR MR. MARES,

I HAVE TODAY RECEIVED A LETTER FROM YOUR PLANNING DEPARTMENT REGARDING THE PROPOSED EAGLE MOUNTAIN LANDFILL.

WE SPEND OUR WINTERS IN OUR OWN HOME IN LAKE TAMARISK IN DESERT CENTER WHICH IS SITUATED APPROXIMATELY 10 MILES FROM EAGLE MOUNTAIN AND WE ARE THEREFORE QUITE INTERESTED IN THIS PROJECT. WE ALSO OWN PROPERTIES IN PALM DESERT.

WE FEEL THAT THIS PROJECT WOULD BE BENEFICIAL NOT ONLY TO THE COMMUNITY BUT ALSO TO THE COUNTY. I BELIEVE THAT IF ALL THE NECESSARY STEPS ARE TAKEN TO PROTECT OUR ENVIRONMENT THAT WE WOULD BE IN A WIN- WIN SITUATION.

1 HOWEVER, AN ABSOLUTE GUARANTEE THAT THE KAISER ROAD WOULD NEVER BE UTILIZED TO TRUCK THE GARBAGE MUST BE SECURED FROM MRC. I UNDERSTAND THAT MRC HAS PROMISED TO UPGRADE THE EAGLE MOUNTAIN ROAD FOR THIS PURPOSE AND I SUGGEST THAT THIS WOULD BE ONE OF THE RIGID TERMS FOR THE APPROVAL OF THIS PROJECT. THEN LAKE TAMARISK RESIDENTS WOULD NOT BE SUBJECTED TO THE NOISE AND AIR POLLUTION PRODUCED BY THE HEAVY TRUCK TRAFFIC.

WOULD YOU PLEASE ADVISE ME IF THE TERMS OF THE AGREEMENT SPECIFY THAT THE KAISER ROAD WILL NOT BE USED BY THE GARBAGE TRUCKS.

I WOULD VERY MUCH APPRECIATE YOUR COMMENTS BY EITHER PHONE, FAX, MAIL OR E-MAIL (RODOT@AOL.COM) TO MY SUMMER ADDRESS.

I THANK YOU IN ADVANCE.

YOURS TRULY

ROLAND A. VERY

RECEIVED
AUG 06 1996
RIVERSIDE COUN
PLANNING DEPA

Response to Comment 223-1

Comment acknowledged. The decision to be made about Project approval will be made subsequent to completion of the Final EIS/EIR. County hearings are tentatively scheduled for early 1997.

2102 Oak Crest Drive
Riverside, California

Bureau of Land Management
Eagle Mountain Landfill and Recycling Center

General Comments

This proposal is doomed before one shovel of dirt is overturned.

1. The econorics are not there, no matter what our Public Land Use and Transportation Committee have recommended. What happens when Kaiser Ventures goes bankrupt on this 80 million dollar investment? Maybe Mine Reclammation Corp. will step in. Kaiser itself is no shining example of a current stable profit making corporation. Why did one of the major backers, Browning-Ferris with draw their 40 million dollar investment? It is just as well as they never did have a clean record of building leak proof dumps.

1

The number of new jobs this operation will create is a mere drop in the bucket of the unemployed; The minimum wage will not draw a lot of workers. Living conditions in the area is fit only for cactus, coyotes and desert tortoises. The county correctional facility should be a cheap source of labor?

2a 2. Environmental studies are all against it. Re-location of endangered species of plants and animals is not realistic.

2b The controlled land swap between BLM and Kaiser Ventures is not practical and is in favor of Kaiser with out compensation to the State of California. With out the swap the space for the landfill to expand cannot be carried out. Will those relocated species of plants and

2c animals survive? The so called Environmental Mitigation Trust of $1 per ton of rubbish sounds good on paper but what if Kaiser Ventures needs these dollars to keep its operation afloat? Environmental projects always get the short end of the deal.

Response to Comment 224-1

See Response to Comments 16-56, 20-51, and 20-56.

As discussed in Section 2.1 of the EIS/EIR, Browning-Ferris Industries (BFI) withdrew from participation because BFI stated it would no longer invest in new landfill development in California unless California's permitting process were made less costly, less time-consuming, and more certain.

In reference to the comment on job creation, as discussed in Section 4.8.2.1 of the EIS/EIR, approximately 150 temporary jobs would be created for constructing the landfill and 12 temporary jobs would be created for renovating the Townsite. Approximately 250 jobs would be created by operation of the landfill, which is a net positive impact. In addition, for every job created by the project, approximately 0.8 new jobs would be created in other industries, resulting in an additional 200 jobs in Riverside County.

Response to Comment 224-2

(a) See General Responses 3 and 6, and Section 4.7 of the EIS/EIR.

(b) Because the land proposed for exchange is managed by the BLM (a Federal agency), the exchange process for this proposed exchange involves the federal government (BLM) and Kaiser. This does not mean that there are no benefits to be accrued by the State of California and the residents of Riverside County. See General Response 3.

3. Location of the largest "garbage dump" in the nation right next to a National Park is unheard of even in Southern California, especially one that is to be active for 100 years plus. 3

4. There is no guarantee of a leak proof dump. No amount of clay and a plastic barrier will withstand a century of storage of non-hazadrous (define it) waste. California is already plagued with uncontrolled leaking dumps. Wells in the proposed dump area are already contaminated with heavy metals. Can you imagine a century of leaking into the Colorado River? The land swap for Ward ValleyLow Radiation Dump is under reconsideration. Again as before define low level radiation? Does that include radioactive materials from hospitals or is it the so called spent fuel rods from the San Onofre installation? 4

(c) The Environmental Mitigation Trust funds will not be used for operational purposes at the landfill. The terms of the Trust state that funds will be used to acquire lands that provide high-quality habitat for special status species.

Response to Comment 224-3

Comment acknowledged.

Response to Comment 224-4

In reference to the comment on leaking liners, see General Response 5. The proposed landfill will not accept any hazardous waste, including radioactive materials from hospitals or spent fuel rods. See Section 2.1.7 of the EIS/EIR for a discussion of waste accepted for disposal at the landfill.

5 | 5. The legality of the whole Kaiser Ventures operation is in question from its start. Kaiser is actully trespassing on public lands. They ceased mining operations over 7 years ago and the law says the land has to be returned to public use if the original operation ceases to exist. The town site has already been returned to the BLM. The mine property should also be returned to the same agency. Little mining has been done, purpose of the operation, and Kaiser or Kaiser Ventures does not have a permit for dumping rubbish there. The land swap between BLM and Kaiser doesn't make a whole lot of sense to anyone but Kaiser Ventures.

Very truly yours,

John R. Weber

John R. Weber
2102 Oak Crest Drive
Riverside, CA 92506-3443

Response to Comment 224-5

See General Response 4 for a discussion of the reverter clause. The proposed Eagle Mountain Landfill is a Class III municipal solid waste landfill; it will not accept hazardous waste and has no association with the Ward Valley repository.

COMMENT LETTER 225

E. E. WEBSTER
5100 Chapala Drive
Riverside, Calif. 92[illegible]

RECEIVED
AUG 14 1996
RIVERSIDE COUNTY PLANNING DEPT.

EAGLE MOUNTAIN COMMENTS Aug 9, 1996

I ATTENDED THE HEARING ON Aug. 8 & HAVE THESE OBSERVATIONS

- ISSUES & CONCERNS SHOULD BE CATEGORIZED AS EITHER TECHNICAL OR ADMINISTRATIVE

- TECHNICAL — IF OUR TECHNICAL STAFF ON GOVERNMENT PAYROLL PROVIDE TECHNICAL APPROVAL, THEY SHOULD EITHER BE REWARDED FOR DOING A GOOD JOB, OR THEY SHOULD BE JUDGED INCOMPETENT & FIRED.

- ADMINISTRATIVE - THREE CATEGORIES COME TO MIND; LEGAL, ECONOMIC, & NON-QUALITATIVE/EMOTIONAL
  - LEGAL — I AM CONFIDENT THAT THE GOVERNMENT "LEGAL BEAGLES" WILL MAKE SURE EVERYTHING IS LEGAL. BUT WHAT DIFFERENCE DOES IT MAKE WHO OWNS THE PROPERTY IF AN EQUITABLE FINANCIAL ARRANGEMENT IS MADE BETWEEN THE GOVERNMENT & BUSINESS. WHO WILL OWN THE LANDFILL AFTER CLOSURE? WHO WILL MONITOR & MAINTAIN THE TOXIC SENSORS? 1
  - ECONOMIC - IT APPEARS THAT EVERYONE BENEFITS FINANCIALLY FROM THIS PROJECT.
  - NON-QUANTATING /EMOTIONAL —
    - ✓ IS DISPLACING A FEW ANIMAL SPECIES A "REAL" CONCERN?
    - ✓ IS AN OPEN-PIT EYE-SORE PREFERABLE TO AN EVENTUAL FERTILE ACREAGE?
    - ✓ ARE A FEW "UNHAPPY" REMOTE NEIGHBORS MORE IMPORTANT THAN THE SOUTHERN CALIFORNIA POPULATION?

OVERALL, THE PROJECT SHOULD BE APPROVED ASAP

E E Webster

Response to Comment 225-1

As noted in EIS/EIR Section 2.1.9, MRC will provide funding assurances for postclosure maintenance and monitoring activities (in the form of a trust fund or other approved financial mechanism), as required by Subtitle D provisions implemented by the Regional Water Quality Control Board. These assurances will be established prior to the start of landfill operations and will be effective at closure regardless of the entity that holds title to the land at that time.

COMMENT LETTER 226

Margaret Wiecomer
9352 E Trail Ridge
Tucson AZ 85710

RECEIVED
BUREAU OF LAND MANAGEMENT
96 SEP 19 PM 3:31
RESOURCE AREA

Julia Dougan, Area Manager
Palm Springs-South Coast Resource Area, BLM
6221 Box Springs Blvd.
Riverside, CA 92507
(619) 251-4899

Date: 9/13/96

Subject: Comments on the Eagle Mountain Landfill Draft EIS/EIR

Dear Julia Dougan,

I am writing to inform you of my complete and total opposition to the proposed Eagle Mountain landfill based on serious adverse impacts to Joshua Tree National Park, which surrounds the proposed site on greater than three sides. The closest National Park boundary is 1.5 miles north. Impacts I am most concerned with are listed below. I am aware there are at least three alternative landfill sites which would not impact Joshua Tree NP, and would thus be better locations for a proposed dump of this magnitude. I urge you to protect Joshua Tree NP. Please do everything you can to stop the dump from being permitted.

Joshua Tree NP represents the largest in tact ecosystem in the Mojave desert. It has enjoyed National Park Service protection since 1936 and over 80% of the park is federally mandated wilderness. I believe 12 trains hauling 20,000 tons of garbage, from Los Angeles and surrounding counties, every day for over 80 years, will have significant long term and disperse ecological impacts within Joshua Tree NP. The trains will run parallel to the southern park boundary along Interstate 10 and then turn northwest into Eagle Mountain Mine, at Desert Center, near the eastern edge of the Park. Garbage will be dumped into open pits, created from iron ore mining, located 1.5 miles south of the Park's wilderness boundary.

Specific **Wildlife** concerns include:
1) Increased predation of desert tortoise within the park caused by increases in raven populations attracted to the new food source created by the landfill.

2) Desert tortoise killed by trains and truck traffic entering the dump site.

3) Disturbance to bighorn sheep and other resident animal populations caused by noise, lights, odors, trains, and most importantly, ground water draw down, which may effect the level of natural springs that wildlife depend on for water.

There are many Wilderness Resources and Wilderness values impacts related to the landfill. Wilderness resources include all biological and physical aspects such as plants, animals, water, and air. Wilderness values include, visual quality and night sky clarity (related to air quality), recreational and spiritual experiences, and peace and quiet necessary for a feeling of solitude (related to evidence of man caused impacts).

Specific **Wilderness** concerns include:
1) Wind blown trash within the wilderness boundary. Trash inside the wilderness is very likely due to high winds which frequent the area and because Joshua Tree NP surrounds the proposed landfill on greater than three sides. Wind blown trash mitigations proposed in the

Response to Comment 226-1

Comments acknowledged. Please refer to Response to Comment 193 and General Response 3.

Draft EIS/EIR are unreasonable and include helicopter flights over wilderness to pinpoint trash. This intrusive measure is incongruent with the definition of Wilderness which does not allow motorized vehicles within its boundaries and protects against the impacts of man.

2) Air quality impacts are reported in the document to be significant in the Southeast Desert Air Basin where the open pits are located. Visibility modeling reported in the document discloses several exceedances of visibility significance thresholds defined by the National Park Service and supported by the Environmental Protection Agency. These visibility impacts will be seen from visitors within Joshua Tree wilderness boundaries. Over several years 8 smoke stacks will be phased in to collect methane gas generated from landfill decomposition. The methane will be flared and emissions of visible air pollutants will result. The eight smoke stacks and their plumes will be visible from within the wilderness.

3) Night sky darkness is a Wilderness value which is becoming more and more scarce in this country. Illumination of nighttime activities at the proposed landfill will impact the wilderness night sky experience.

4) Odor is a common part of every landfill. My wilderness experience would be ruined if I were to be subjected to the smells of putrid decaying garbage.

This concludes my letter in opposition to the proposed Eagle Mountain landfill. I will be shocked if the BLM allows such an obviously bad land management decision to be made. I compel you to remember your ecosystems management approach for making land planning decisions based on long term ecological effects, and choose the No Action alternative for this proposal. The ecosystem in and around Joshua Tree NP will be forever altered if this dump is allowed.

Sincerely ,

Margaret Wilkerson

cc:
Honorable Diane Feinstein
United States Senate
Washington, DC 20510-0504

Honorable Barbara Boxer
~~House of Representatives~~ United States Senate
Washington, DC 20515

Secretary Bruce Babbitt
U.S. Department of the Interior
Interior Bldg.
1849 C Street NW
Washington, DC 20240

Director Roger Kennedy
National Park Service
P.O. Box 37127
Washington, DC 20013-7127

COMMENT LETTER 227

The Werners

925 Sunny Dunes
Palm Springs, California 92264

RECEIVED
BUREAU OF LAND MANAGEMENT
96 AUG 26 PM 1:09
CALIF. DESERT DISTRICT
RIVERSIDE, CA.

August 26, 1996

U.S. Department of the Interior
Bureau of Land Management

Re: Proposed Eagle Mountain Landfill

Our desert area (The Coachella Valley) is presently 10 months pregnant for a LARGE earthquake.....

1 Even conceding that this MRC liner is the latest technology, it is a virtual certainity that a 7.0 -8.0 or larger earthquake will RUPTURE THE LINER and, allow seepage to occur into the surrounding area.

Is MRC giving us, the people a written guarantee that our ground water will never be contaminated?????????????? Will they ever be held responsible for leakage when it occurs?

In Summary, our greatest concerns are the following: the ground and water contamination, the polluting of the environment, the negative impact upon the national park and the effect that the landfill will have upon natural life.

Our beautiful desert area does not need even one of the many man-made problems involved.

Sincerely,

Richard J. Werner
Prudence A. Werner

Richard & Prudence Werner

Response to Comment 227-1

The Draft EIS/EIR and ROWD include extensive studies of site seismicity and of the stability of the liner system during earthquakes, including the large earthquakes mentioned by the commenter. These studies conclude that the landfill design will be stable with adequate factors of safety under seismic loading conditions that meet federal regulatory requirements and significantly exceed California regulatory requirements. In particular, the studies included analysis of landfill response, and liner system stability, to a great earthquake (magnitude 8.0) on the closest portion of the San Andreas Fault, which is 33 miles from the site. The analysis methods used in these studies are consistent with the best methods currently available to practicing seismologists and earthquake engineers. For example, the analyses are consistent with the most recent relevant publication by the U.S. EPA (full reference given below). Detailed information on seismicity and seismic design is presented in the following documents: (i) Draft EIS/EIR, Section 3.9.2 and Appendices H-1 to H-5; (ii) ROWD, Section 5.4, Chapter 8, and Appendices D and K; and (iii) ROWD Supplemental Volume 1, Sections 14.4 and Appendices R and S. It is noted that Appendix H-2 of the Draft EIS/EIR provides information showing the excellent performance of modern landfills in the 1994 Northridge earthquake.

Richardson, G. N., Kavazanjian, E. Jr., and Matasovi, N., RCRA Subtitle D (258), Seismic Design Guidance for Municipal Solid Waste Landfill Facilities, U.S. EPA document no. EPA/600/R-95/051, April 1995).

HOWARD J. WHITAKER
2041 Campton Circle
Gold River, CA 95670-8301

30 August 1996

Eagle Mountain Landfill & Recycling Project
Bureau of Land Management
6221 Box Springs Boulevard
Riverside, CA 92507

RE: Second DEIS

Following are my comments:

1 | 1) There should be additional public hearings and an extension of the comment period;

2 | 2) The delay and restricted availability of the EIS and technical appendices is a travesty. This subverts the public comment and oversight process required by NEPA and CEQA. The public has inadequate time to review and participate in hearings, as well as comment;

3 | 3) Signs of desert tortise have been found onsite, thereby requiring a re-consultation with USF&WS under Section 7 of the ESA;

4 | 4) The DEIS incorrectly denies that the landfill will adversely impact desert flora and fauna.

5 | 5) The siting next to a national park is unacceptable, as is the omission of the Park from nearly every area map in the DEIS;

6 | 6) Proposed mitigation strategies are inadequate.

Response to Comment 228-1

Please refer to Response to Comments 17-21, 18-33, 24-10, 195-28, 195-31, 216-1, and 222-1.

Response to Comment 228-2

Please refer to Response to Comments 18-33, 17-21, 195-28, 195-31, 216-1, and 222-1.

Response to Comment 228-3

Please refer to General Response 6 and Response to Comment 1-107.

Response to Comment 228-4

The Draft EIS/EIR does not "deny" impacts. Impacts to biological resources, including flora and fauna, are discussed in detail in Section 4.7 of the EIS/EIR. See General Response 6.

Response to Comment 228-5

Comment acknowledged. Regarding illustrations of JTNP on Project area maps, please refer to Response to Comment 1-9.

Response to Comment 228-6

This comment is unsupported. See General Response 3 and 6, and Section 4.7 of the Draft EIS/EIR.

COMMENT LETTER 229

Gary A. Wolfe
38-568 Nasturtium Way
Palm Desert, CA 92211
(619) 360-9590)

RECEIVED
JUL 29 1996
RIVERSIDE COUNTY
PLANNING DEPARTMENT

July 23, 1996

Mr. David Mares
County of Riverside
County Administrative Center
4080 Lemon St., 9th Floor
Riverside, CA 92502-1409

Dear Mr. Mares:

As per our conversation of a few days ago, I am writing this letter to register my concern regarding the "Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Eagle Mountain Landfill and Recycling Center Project that I reviewed very briefly at the Palm Desert Public Library prior to my call to you.

1 My concerns are as follows: I live in Palm Valley Country Club, which is very close to the railroad. There is at the present time some very noisy trains that pass by my home several times a day. These trains also vibrate the ground as as they pass by shaking my home considerably. My understanding of this report is that there will be no significant increase in noise volume (not above present standards anyway) as many more trains are scheduled to pass by on their way to Eagle Mountain, if this project comes to fruition. If it does come to pass, my home will be severely impacted along with many other residents.

I do not know how the noise and vibration standards were established and what criteria were used, but I'm sure if the policy makers were to test the noise and vibration of the train from my house and were concerned about the impact imposed on my home as well as other residents, there might be a little more sensitivity awareness and, therefore, more restrictive standards to judge this (EIS/EIR) for the Eagle Mountain Landfill and Recycling Project.

I'm sympathetic to the waste disposal concept for our valley (not for Los Angeles, San Diego, and whoever else). I am also aware of the large amount of revenue that will be going to Riverside County, and I don't begrudge the money to be made by the developer; however, let's consider the well being of everyone associated with this project. With the money made on the project, the developer might consider rerouting the railroad from these impacted residential areas to some commercial or industrial areas that are less noise and vibration sensitive.

Sincerely,

Gary A Wolfe

Response to Comment 229-1

Noise levels along the Southern Pacific Railroad are discussed in Section 4.13.2 of the EIS/EIR. Train volumes along the Southern Pacific Railroad currently average 42 trains per day resulting in noise levels above the County's 65-dBA CNEL standard at residences within 400 feet of the track centerline. A maximum of 12 additional trains per day would be added to the existing train traffic. Riverside County standards were used to assess the potential for noise impacts corresponding to the additional train traffic. These standards are in terms of CNEL which represents a 24-hour average noise level. Based on CNEL, the additional project related traffic will increase noise levels by a maximum of 1 dBA. A 1-dBA increase is not considered an impact under the present Riverside County standards.

COMMENTS RECEIVED AFTER THE CLOSE OF THE PUBLIC COMMENT PERIOD

(AFTER SEPTEMBER 17, 1996)

COMMENT LETTER 230

"DON'T TRASH THE DESERT"

CITIZENS FOR THE CHUCKWALLA VALLEY
PO BO X397 DESERT CENTER CA 92239 (619) 392-4722

RECEIVED

OCT 09 1996

RIVERSIDE CO

OCTOBER 4, 1996

TO: RIVERSIDE COUNTY BOARD OF SUPERVISORS

FROM: LARRY & DONNA CHARPIED, FOR CCV

RE: PROPOSED EAGLE MOUNTAIN DUMP AND THE DESERT PROTECTION ACT

PLEASE INCLUDE THE FOLLOWING IN THE PUBLIC RECORD FOR THE PROPOSED EAGLE MOUNTAIN DUMP PROJECT

Dear Honorable Board of Supervisors,

During the recent BLM public hearings on the proposed Eagle Mountain dump, statements were made by Kaiser/MRC executives that attempted to define the intent of Congress with the passage of the Desert Protection Act, in relation to Joshua Tree National Park. For the Record, CCV will document the true Congressional intent of the Desert protection Act.

On page 21 of the certified transcripts taken during the August 5, 1996 BLM hearing held at Lake Tamarisk, Gerald Fawcett, President of Kaiser Ventures, read into the record, in part,

> "...changes in the last three years which impact this proposal...and the California Desert Protection Act designated Joshua Tree a National Park. When Congress passed the DPA, they made it very clear that they would not interfere with the development of the landfill project or impose additional restrictions on the proposal...".

The above statement leads the reader to believe that Congress supports the development of the project Although it is accurate to claim that Congress does not intend to impose further restrictions to the dump process, the Desert Protection Act language from the Committee on Natural Resources, House Report No 103-498, also states, in part,

> "...It is not the intent of the Committee that this legislation have any effect on the future development of this disposal facility at that location, and does not expect that such a development will be affected by the site's proximity to the park or wilderness within the park. The Committee notes that any such development will first have to meet the requirements of various federal, state, and local laws and regulations in order to be licensed; the Committee does not intend that this legislation be construed so as to impose additional regulation, beyond such current federal, state, and local laws and regulation...".

1 The effect of this language is to make the California Desert Protection Act nuetral with regard to the dump. The CDPA and the House Report do not endorse, authorize, or prohibit the dump. The House Report says that they do not envision the imposition of new regulations on the dump because of its proximity to the wilderness of Joshua Tree National Park. Neither National Park Service or CCV have advocated new regulations. We are advocating that the dump not be sited where proposed.

Response to Comment 230-1

Comment acknowledged. This is consistent with what is described in the Draft EIS/EIR, Section 3.11.6.5. Federal, state, and local approvals are also listed in the Draft EIS/EIR, Section 1.4 and summarized in Table 1-5.

Kaiser/MRC have developed a lavish letter writing campaign to certain elected officials and Bureaucrats, basically chastising National Park Service's involvement with the preparation of the environmental documents. As we have seen in the past with these companies, they distort the truth and usurp Congressional intent. National Park Service is required by law, to give input regarding potential impacts of the dump to lands they administer. In response to a concerned citizen, Mr. John Garamendi, Deputy Secretary of Interior, writes, in part,

> "...The National Park Service was asked by the lead agency to be a "cooperating agency" for responding to issues of concern should the landfill project be approved. As a cooperating agency, the law requires that the Park give input regarding potential impacts to lands administered by National Park Service....Park Service has a legal responsibility to fully articulate the potential impacts that may result from this or any other project, and to participate to the maximum extent possible in the development of the environmental documents..."

A copy of Mr. Garamendi's letter is enclosed.

2 In closing, Joshua Tree National Park/National Park Service have very serious issues and concerns involving this proposal, and to date remain opposed to the development of the dump. We STRONGLY encourage you, as our elected officials, to open a dialogue between the County and Joshua Tree National Park, as opposed to taking in everything Kaiser/MRC say as fact, regarding the Park.

Sincerely,

Larry Charpied, for CCV

Donna Charpied, for CCV

ENC.
District 1 Supervisor, Bob Buster
District 2 Supervisor John Tavaglione
District 3 Supervisor Kay Ceniceros ✓
District 4 Supervisor Roy Wilson
District 5 Supervisor Tom Mullen

Response to Comment 230-2

Comment acknowledged.

United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

DEC 24 [illegible]

Ms. Christine E. Rideout
15423 Daybreak Lane
Fontana, CA 92337-0946

Dear Ms. Rideout:

Thank you for your letter regarding the Federal Government's role in the decision-making process for the proposed Eagle Mountain Landfill and Recycling Center. The National Environmental Policy Act requires Federal agency decision makers to take environmental factors into account when Federal lands or Federal funds are involved in any developmental proposal. In this case, the Bureau of Land Management is proposing a land exchange with Kaiser Ventures Incorporated and Mine Reclamation Corporation for the proposed landfill project. The Bureau of Land Management along with the County of Riverside are the "lead agencies" in preparing the required environmental documents (Environmental Impact Statement/Environmental Impact Report) and will ultimately make the final decision as to the future of the landfill project.

The National Park Service was asked by the lead agency to be a "cooperating agency" for responding to issues of concern should the landfill project be approved. As a cooperating agency, the law requires that the park give input regarding potential impacts to lands administered by the National Park Service.

There are questions concerning the nature and extent of the potential impacts to Joshua Tree National Park that could arise from the proposed use of this area as a landfill site. The National Park Service has a legal responsibility to fully articulate the potential impacts that may result from this or any other project, and to participate to the maximum extent possible in the development of the environmental documents.

The environmental review process is reaching conclusion, and an EIR/EIS document will soon be available for public review and comment. The information contained in the EIR/EIS will provide the Federal agencies the information needed to make a final decision on the land transfer. The decision on the landfill project itself will be the responsibility of Riverside County and the Bureau of Land Management will decide on the related land transfer.

I have taken the liberty of providing the Bureau of Land Management with a copy of your letter so that your concerns will be known to them and taken into consideration as the Bureau of Land Management and the County of Riverside complete the environmental review and make final decisions. I sincerely appreciate your letter and the letters of many other concerned citizens. Thank you for making your thoughts known.

Sincerely,

John Garamendi
Deputy Secretary

RECEIVED
OCT 15 1996
VERSIDE COU

Ms. Jeanne Held-Warmkessel
110 Santa Anita Dr
North Wales, PA 19454-4285

10/5/96

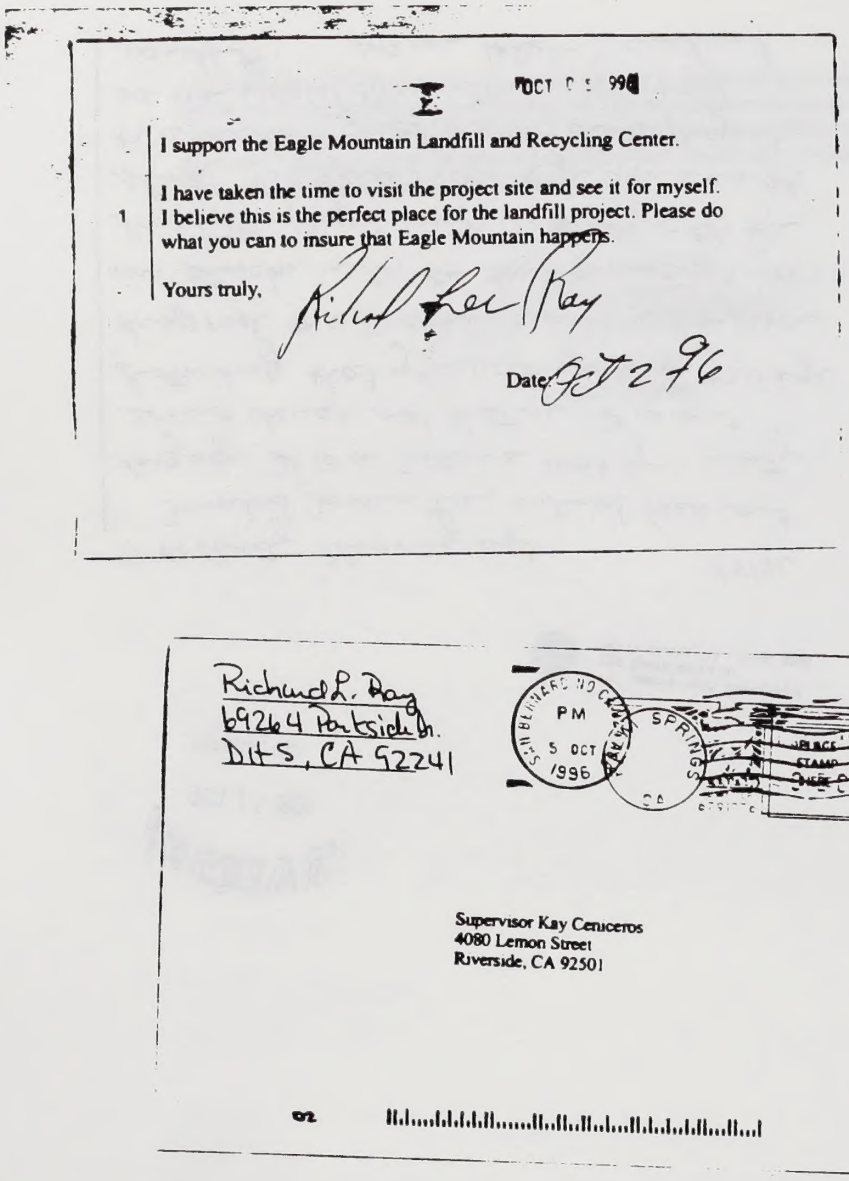
To the County Planning Dept.:

I visited Joshua Tree National Park not long ago. It is a treasure that your county should cherish not destroy. It is most disturbing that you will plan a garbage dump next to a treasure. Once it is there, you are stuck with the consequences & your local tax payers with dealing with the stink. I cannot encourage you enough to abandon such a worthless project as the Eagle (?) Mountain (of garbage) landfill! Jeanne Held-Warmkessel

1

Response to Comment 231-1

Comment acknowledged.



OCT 0 5 996

I support the Eagle Mountain Landfill and Recycling Center.

I have taken the time to visit the project site and see it for myself.
1 I believe this is the perfect place for the landfill project. Please do what you can to insure that Eagle Mountain happens.

Yours truly,

Richard Lee Ray

Date 9/27/96

Richard L. Ray
69264 Parkside Dr.
Dhs, CA 92241

PM
5 OCT
1996

PLACE STAMP HERE

Supervisor Kay Ceniceros
4080 Lemon Street
Riverside, CA 92501

92

Response to Comment 232-1

Comment acknowledged.

COMMENT LETTER 233

OCT 0 8 1996

I support the Eagle Mountain Landfill and Recycling Center.

1 We need to replace the existing landfills located close to population centers. I believe that Eagle Mountain has taken the appropriate measures to protect the environment and is the best solution for our solid waste disposal needs. Please do what you can to insure that Eagle Mountain happens.

Yours truly,

Date:

D. Muckibbin
69264 Parkside Dr.
DHS, CA 92241

PLACE STAMP HERE

Supervisor Kay Ceniceros
4080 Lemon Street
Riverside, CA 92501

Response to Comment 233-1

Comment acknowledged.

COMMENT LETTER 234

OCT 1 0 1996

County of Riverside
Clerk of the Board for
Riverside County Supervisors
4000 Lemon Street 14th Floor
Riverside, California 92502-1359

RECEIVED
OCT 1 3 1996
RIVERSIDE COU

cc: Planning & Redevelopment Commission
City of Riverside Council Members
SCAG
Los Angeles Times Editor
Press-Enterprise, Riverside
Inland Empire Business Journel

Each time any department of government comes up with a new project that is supose to be a beneifit to the people, it does nothing more than increase the cost of doing business in California, thus reduces the competive status of California Business and Manufactures. Eagle Mountain is just another one of those so call cost savings and environmental improvement projects.

We know we have a Trash problem, and we know we have a pollution problem. We are also fully aware of how Landfills have destroyed our ground water tables over the past 40 years. We are also fully aware that government or anybody else has not been able to solve any of the above problems. And they have not solved the problem of making our waste streams economically feasiable to dispose of and recycle.

Maybe if I take the Eagle Mountain Issue step by step, using my 33 years of experience in the Environmental Field and Waste Management, I can make all of you understand, that the course you are on will never solve our wastee problems, nor our pollution problems. Instead will only add to them.

1 a. When Eagle Mountain Landfill and Recycling Center is is approved, in its present form, we can expect higher cost for trash pick-up, higher cost of doing business in California, high pollution in the Palm Springs, Indio area, and even more Air and Water Pollution problems in our deserts, and East of Indio.

2 b. All you would be creating is a better retirement program for the Kaiser Retirement Fund, that Kaiser ranoff with when it chose to get out of California to keep from paying the Cost of Clean-up for the Fontana Plant, their now closed Lucerne Valley Site, and the Eagle Mountain Site. Each of which were estimated to cost millions to clean up, at tax payers expense, in 1974.

3 c. Along with the following, the Eagle Mountain will fail to bring more Jobs to Riverside or San Bernardino County, and it will fail to solve any ecomical problems we have today.

94-10-06765

Response to Comment 234-1

Tipping fees at the landfill will be determined by a number of factors, including (among others) competition, construction and operation costs, and negotiated contracts.

Response to Comment 234-2

Comment acknowledged. See also Response to Comment 190-9 concerning the retirement fund.

Response to Comment 234-3

See Response to Comments 28-4 and 28-49.

Page 2
Eagle Mountain Economics

c. 1. BFI (Browning Ferris Inc), the original planners in Eagle Mountain Site, three years ago, pulled out of the project, because they realized two things they learned over the years, in their management of combined landfills and recycling; one (1) when a to be recycled product has to be handled excessively and transported over hundreds of miles to its clients to be processed, the cost of doing so doubles and triples, and the cost maintaining a Landfill and maintaining funds to protect its self from any liability far exceeds that of a Intergrated disposal to reuse center. Their are many such exsmples where Landfills and Recycling Centers were used together, in California. All of which are now closed because when used together, the cost of doing so was proven to be prohibitive. 4

2. Such a site would only beneifit Mine Resources (a Kaiser pupit), and Kaiser Mining Corp, in that if Eagle Mountain is approved, they will have their so called retirement fund, no need for clean-up cost, and a free railrod to their Western Pit, all because the State of California and the Tax payers will foot the cost. 5

3. Other Examples:

I). There are 125 miles of railroad access that must be totally renovated and brought up to standard, along with over 30 bridges, that have been condemed, The cost of doing all this would run in the excess of $125 million. All this was realized by BFI before they pulled out. 6

II). The so called 1200 jobs, the designers of Eagle mountain projected the site would create, is not quite as it seems to be on paper; one - 600 of those jobs are truck drivers, needed to transport the waste to the site untill the railroad is completed. Two-these drivers are already employed by Waste Haulers presently operating in Southern California, Three - When the railroad is finished these so called 600 drivers will no longer be needed to haul the waste to site, since the 600 car trains will now be hauling such waste to the site, and four - when all the so called improvements are made at the site, there will only be a need for 135 employees at the site to handle the waste stream comming in. 7

III). Handling - You first pick up the waste, then you transport the waste by train to the site, then weather you bring it in by train or truck, you must dump the waste on the ground or on a floor to sort out the recycables and to make sure

Response to Comment 234-4

See Section 2.1 of the Draft EIS/EIR.

Response to Comment 234-5

See Response to Comment 20-52 concerning financing and Response to Comment 190-9 concerning the retirement fund.

Response to Comment 234-6

The Eagle Mountain railroad is only 52 miles long (Section 2 of the Draft EIS/EIR).

See Response to Comment 20-52 concerning financing.

Response to Comment 234-7

Comment acknowledged. See Response to Comment 20-48.

there is no Listed Hazardous Waste in the Trash before it is transported an placed into the landfill. Before all this you must lift off each of the 600 rail cars each day, a container, place it on the ground to be dumped, then lift
8 an empty container and place it on the rail where the full container once set. Remember you must do this 600 times each day. To do this you must have the time to do so each day, or starting with the second day, they will start to accumulate an excess of containers that you was unable to get at on the previous day.

IV). With all the above problems, let us address what pollution problem this site would encounter. Methane Gas - which site will produce, even as it the pit is filled, will cause even greater problems to our Ozone if it is not burned off. The Diseal Fuel, that is burned by the Trucks and Trains to haul the trash to the site is possibly the number one cause to cancer of
9 the lungs, according to Mr. Barry Winstine of the South Coast Air Quality Management Department in Diamond Bar. And we are talking over 600 trucks per day passing through most Cities of Riverside County. Then you must consider the ground water tables, that only sets -24 feet under the Eastern and Western Pits of Eagle Mountain. And landfills are the number one danger to underground water tables in Southern California. Also you will find the above statements documented by the Lung Association and the California Water Quality Control Board.

COUNTY WASTE MANAGEMENT JUST NOT UP TO DATE:

Most counties in California are looking for ways to eliminate the Landfills, with the exception of Riverside County. I have written Riverside County Supervisor on three different occasions and explained
10 in great detail how they could eliminate any need for a Landfills. Each time my reports was either totally ignored or, on one occasion, forwarded to Mr. Nelson of the Waste Management Department, at which time he was kind enough to write me a letter, explaining to me me that my plan to replace landfills was not feasible and that recycling was not economically feasible.

There are now over 2000 recycling operations across the United States, of various types and for various products. And new ones
11 are being build daily. Now I know I don't know what I am talking about, but I have to have doubt about the other 2000 business owners in the Waste Management and Recycling field.

Response to Comment 234-8

See Section 2.1.7.1 of the Draft EIS/EIR that describes rail handling operations.

Response to Comment 234-9

See General Response 7, which addresses air quality impacts.

Response to Comment 234-10

See General Response 1.

Response to Comment 234-11

Comment noted.

Companies, are implementation inhouse recycling operations. There are 600 paper companies in the United States, 200 are now recycling. and 15 more are changing there operations so that they can recycle the paper they produce. Plastic companies are starting to recycle
12 the products they produce, Resin Manufactures are researching recycling and an alternative method for high cost of disposal. Paint, Adhesive, glass, aluminum products, and Packaging Manufacture all are turning to recycled products as a way to reduce cost.

China - We export 6 million tons of rags to China today, compare to 200,000 tons in 1984. Asiatic needs 600 tons of Compost daily
13 to maintain the demand on their market, just from farmers. The US farmers are changing over to compost in place of insecticides to grow their products, because pesticides are no longer be manufactured, and most states totally outlaw such products.

With todays demand for recyclable products, we are still only,
14 recycling approx 23% of all we produce. We don't recycle sludge, sewage, or water and reuse the contaminates.

YES THERE IS A MARKET FOR RECYCLABLE PRODUCTS

Review my "Alternative to Landfills", you have an opportunity to new jobs, more jobs, and larger revenues for everyone. Go with
15 a company that knows where the waste market is going, say no to Eagle Mountain. Just call for a demonstration of "Alternative To Landfills".

Under the present plans for Eagle Mountain Project, and making a
16 through analysis of the Mothologies which they plan to use to process our waste. It is now wonder they have to speak of collecting $2 billion over the next few years, when you spend $300 million for

the Rail Service, $300 Million for transportation cost, and over a billion just for handling, its no wonder. But I can see, them having to raise their prices for disposal, when you have a profit recal of less than 5% , for your efforts.

Sincerely,
Charles G Boyd
C G Boyd & Associates, Inc.

Response to Comment 234-12

Comment noted.

Response to Comment 234-13

Comment noted.

Response to Comment 234-14

Comment acknowledged.

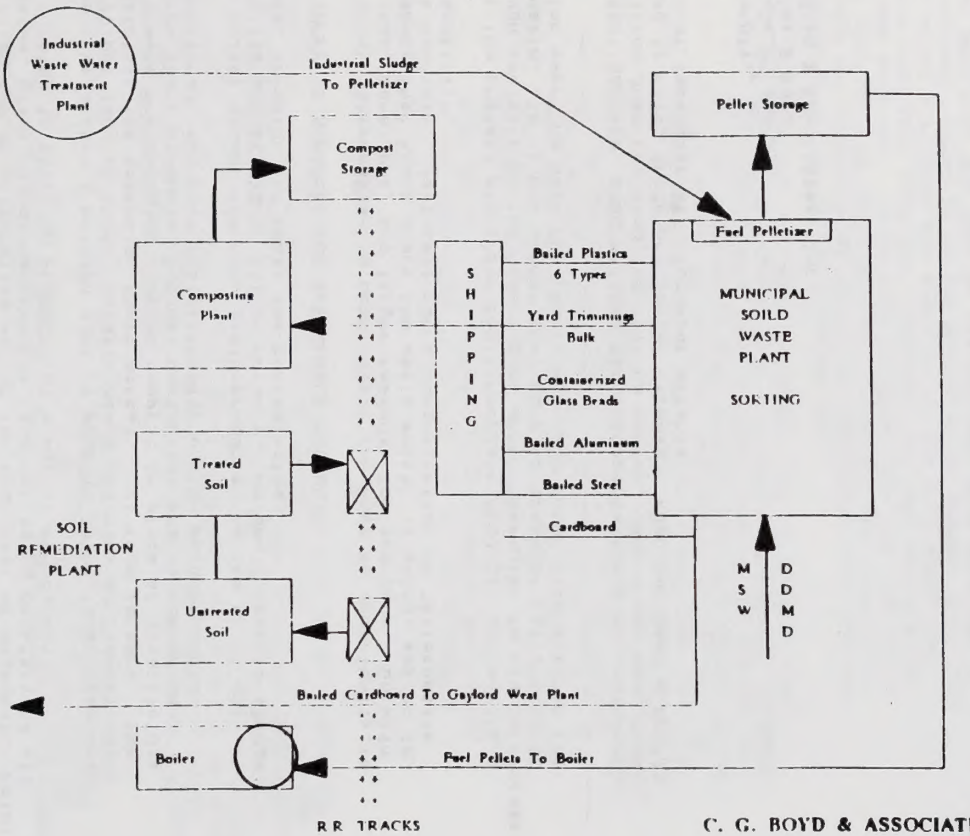
Response to Comment 234-15

Comment acknowledged.

Response to Comment 234-16

Comment noted.

PROPOSED PRODUCT FLOW CHART



COMMENT LETTER 235

RECEIVED
OCT 15 1996
RIVERSIDE COU
PLNG DEP

JoAnna Huddy
41500 Trinity
Bermuda Dunes, CA 92201

David Mares
County of Riverside
4080 Lemon Street, 9th Floor
Riverside, CA 92501

Dear Sirs:

I have been listening to the debate over the Eagle Mountain landfill proposal for quite awhile and I decided it was time I wrote to express my opinion. Coachella Valley residents have been dumping their trash at Edom Hill for decades.

1 That site is not only old and vulnerable to earthquakes, it is leaking and unstable. I don't hear much hysteria about closing it. And yet, a state-of-the-art facility that would provide a handsome monetary return to the county has been proposed for a remotely populated area and the fighting has gone on for two years.

2 As I understand it, Eagle Mountain would be the most technologically advanced landfill in Southern California. I'm told that only four of the two dozen existing landfills in Southern California comply with current ground water and environmental regulations.

3 The old Kaiser Steel mining operation is already dug and is near rail lines and Interstate 10 but away from significant population centers and water tables. Southern California needs new landfills and Riverside County needs new revenue.

4 The Eagle Mountain landfill proposal seems to make sense both environmentally and economically. As a landfill, it will include several mitigation measures that will be far healthier for the environment than the dozens of leaking landfills Californians are dealing with all over the state.

5 As a development project, Eagle Mountain landfill will create jobs and revenue for financially strapped local and state economies. It will bring in tax revenues and fees to more that support its environmental impacts.

6 Imperial County is holding its breath in the hopes that Eagle Mountain landfill does not go through. If that happens, they are committed to sitting a project of their own which will still include trash being trucked or hauled by rail through the Coachella Valley on Interstate 10.

We should not miss this opportunity to do something positive with a necessary evil. We should work together to get Edom Hill closed and Eagle Mountain open.

Thank you,

JoAnna Huddy

CC: The Honorable Bruce Babbitt
The Honorable John Garamendi
Senator Dianne Feinstein
Senator Barbara Boxer
Congressman Brown
Congressman Calvert
Congressman Bono
Congressman Lewis

Response to Comment 235-1

Comment noted. See Section 5 of the Draft EIS/EIR.

Response to Comment 235-2

Comment noted.

Response to Comment 235-3

Comment noted.

Response to Comment 235-4

Comment noted.

Response to Comment 235-5

Comment noted.

Response to Comment 235-6

Comment noted.

COMMENT LETTER 236

OCT 2 5 1996

October 23, 1996

OCT 3 0 1996

RIVERSIDE COUNTY
PLANNING DEPARTMENT

Dear Supervisors,

I am writing as a concerned citizen and a Kaiser Steel retiree to express my support for the Eagle Mountain Landfill Project. Most of what I read shows there is wide support for this project and wide need.

For the past eight years, MRC has jumped through every environmental and legal hoop imaginable. We've lived with the prospect of a regional waste
1 disposal site in eastern Riverside County for several years. Time and time again, Eagle Mountain has been proven to be not only environmentally superior, but economically sound as well.

Eagle Mountain is hardly a pristine, desert site. It's a scar on the earth that will be reclaimed over time. And with its reclamation come benefits, both environmental and economic, to Riverside County and to Kaiser Steel retirees.

I urge you to consider the hard science and facts for Eagle Mountain. Then, approve it and let this much needed project move ahead.

Thank You.

William Scheel

#12698

Wm F Scheel
7893 Mango
Fontana, Ca. 92336

Response to Comment 236-1

Comment acknowledged.

10/24/96

Regarding Mega-Dump,

There is a co-generation plant near Fresno that burns garbage and makes electricity from trash. Modern technology SCRUBS the flue gasses to conform to EPA standards. Please don't resort to old fashioned earth destroying dump or landfill.

1

Sincerely,
Lynn James
2713 Vyn Dr
Bakersfield CA
93306

RECEIVED
OCT 2 3 1996
RIVERSIDE COUNTY
PLANNING DEPARTMENT

Response to Comment 237-1

Comment acknowledged.

COMMENT LETTER 238

RECEIVED
NOV 04 1996
RIVERSIDE COUNTY
PLANNING DEPARTMENT

October 25, 1996

Riverside County Planning Department
4080 Lemon Street
9th Floor
Riverside, CA 92501

To whom it may concern:

1 I am writing to express my opinion regarding the proposed plan to situate a landfill in close proximity to Joshua Tree National Park. As somone who is planning to travel all the way from the east coast to see this park later this fall, I feel it is ludicrous to place such a large, noisy operation so close to the very delicate park. The noise will most certainly detract from vistors' experience, and the despite the developer's assurances of caution and care, accidents do happen, and this close to the park, would cause irreperable damage. I urge you to do all you can to select a less delicate location for this landfill operation, and to reject any possibility of placing it in any kind of proximity to the park.

Sincerely,

Omar Siddique
10 Red Hearth Court
Baltimore, MD 21227

Response to Comment 238-1

Comment acknowledged.

COMMENT LETTER 239

I am asking for your support for Eagle Mountain Landfill

Sincerely

George N. Edelbrock
15500 Bubbling Wells 18
Desert Hot Springs CA
92240-7058

Response to Comment 239-1

Comment acknowledged.

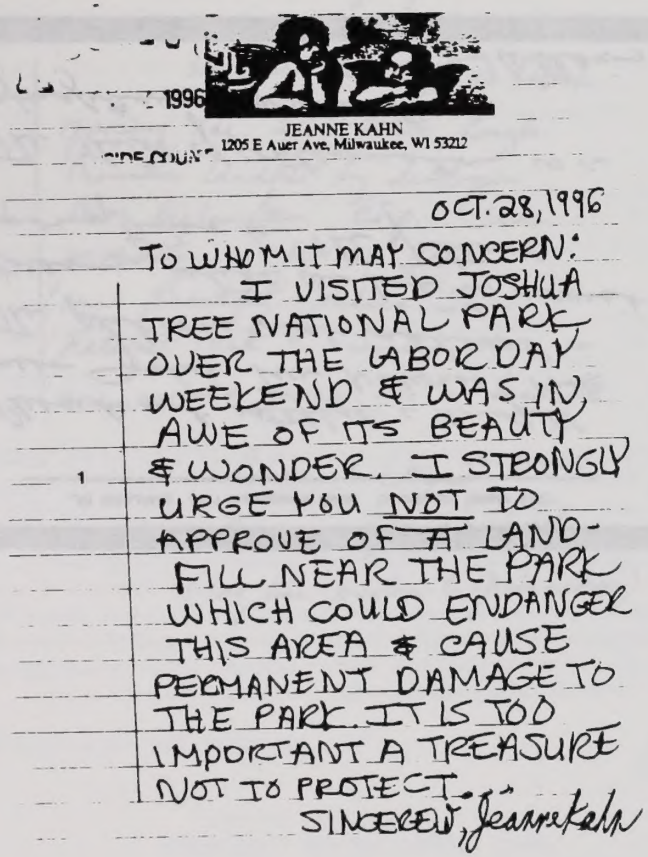
I would like to see
1 Eagle Mountain Landfill
in operation.

George Edelbrock
15500 Rubbing Wells #18
Desert Hot Springs, CA
92240 7058

Response to Comment 240-1

Comment acknowledged.

COMMENT LETTER 241



1996

JEANNE KAHN
1205 E Auer Ave, Milwaukee, WI 53212

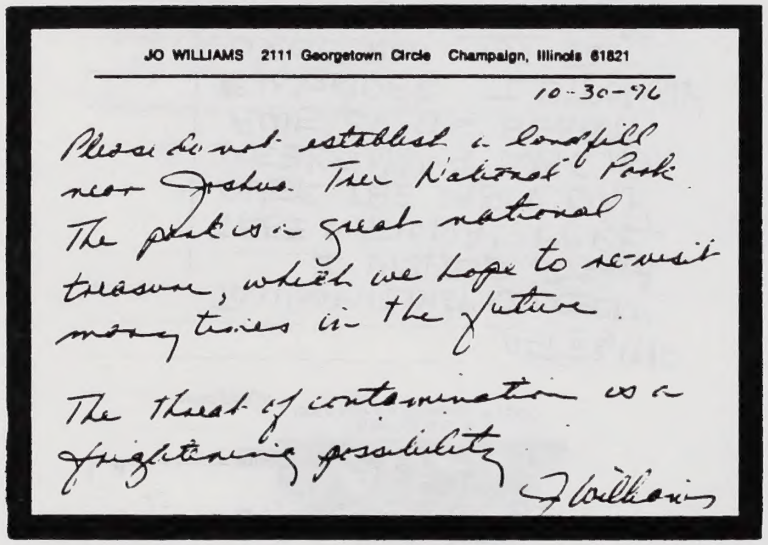
OCT. 28, 1996

TO WHOM IT MAY CONCERN:
I VISITED JOSHUA TREE NATIONAL PARK OVER THE LABOR DAY WEEKEND & WAS IN AWE OF ITS BEAUTY & WONDER. I STRONGLY URGE YOU NOT TO APPROVE OF A LAND-FILL NEAR THE PARK WHICH COULD ENDANGER THIS AREA & CAUSE PERMANENT DAMAGE TO THE PARK. IT IS TOO IMPORTANT A TREASURE NOT TO PROTECT.
SINCERELY, Jeanne Kahn

1

Response to Comment 241-1

Comment acknowledged. See General Response 3.



JO WILLIAMS 2111 Georgetown Circle Champaign, Illinois 61821

10-30-96

Please do not establish a landfill near Joshua Tree National Park. The park is a great national treasure, which we hope to re-visit many times in the future.

The threat of contamination is a frightening possibility.

J Williams

1

Response to Comment 242-1

Comment acknowledged.

COMMENT LETTER 243

RECEIVED
NOV 05 1996
RIVERSIDE COUNTY
PLANNING DEPARTMENT

Mr. & Mrs. Marc Trummel
3010 Cornell Street
Duarte, CA 91010

10-31-96

To Riverside Co. Planning Dept.

1 We would like to go on record opposing the 2164 acres Eagle Mountain Landfill by developer Mine Reclamation Corp. The prodimity is for too close to our beautiful Joshua Tree National Park. Surely there is more isolated areas for a land fill.

Concerned citizens,
Marc and Joan Trummel
(long time visitors to Joshua Tree)

Response to Comment 243-1

Comment acknowledged.

NOV 0 4 199

COMMENT LETTER 244

inland empire
concilio de la raza, Inc.
4261 PARK AVE. RIVERSIDE CA. 92507

RECEIVED
NOV 05 1996
RIVERSIDE COUNTY
PLANNING DEPARTMENT

Dear Supervisor Kay Ceniceros:

1 We are writing this letter in regard to the Eagle Mountain Landfill Project in the Riverside County. This project has had our full support since the beginning. We have done extensive research on the project and find a number of positive effects economically and ecology speaking. Economically, this project would provide new revenue for Riverside County as well as create hundreds of new year-round family-wage jobs. We are also completely behind a landfill project that would allow existing leaking landfills to close and be replace with an environmental superior disposal capacity. In closing, we urge you to please support the Eagle Mountain Project.

GILBERTO CHAVEZ
SPOKESMAN
LA RAZA COALITION

Response to Comment 244-1

Comment acknowledged.

COMMENT LETTER 245

11/4/96

NOV 0 6 1996

NOV 0 8 1996

RIVERSIDE COUNTY
PLANNING DEPARTMENT

Dear Supervisors,

I am writing as a concerned citizen and a Kaiser Steel retiree to express my support for the Eagle Mountain Landfill Project. Most of what I read shows there is wide support for this project and wide need.

For the past eight years, MRC has jumped through every environmental and legal hoop imaginable. We've lived with the prospect of a regional waste disposal site in eastern Riverside County for several years. Time and time again, Eagle Mountain has been proven to be not only environmentally superior, but economically sound as well. 1

Eagle Mountain is hardly a pristine, desert site. It's a scar on the earth that will be reclaimed over time. And with its reclamation come benefits, both environmental and economic, to Riverside County and to Kaiser Steel retirees.

I urge you to consider the hard science and facts for Eagle Mountain. Then, approve it and let this much needed project move ahead.

Thank You.

—Fred Schmidt

RS.6.) (Retiree)

F Schmidt
3561 N. Harrington
San Bernardino, Ca. 92405

Response to Comment 245-1

Comment acknowledged.

COMMENT LETTER 246

RECEIVED

NOV 0 8 1996

RIVERSIDE COUNTY
PLANNING DEPARTMENT

Dear Supervisors, Kay Cenicerros

I am writing as a concerned citizen and a Kaiser Steel retiree to express my support for the Eagle Mountain Landfill Project. Most of what I read shows there is wide support for this project and wide need.

For the past eight years, MRC has jumped through every environmental and legal hoop imaginable. We've lived with the prospect of a regional waste
1 disposal site in eastern Riverside County for several years. Time and time again, Eagle Mountain has been proven to be not only environmentally superior, but economically sound as well.

Eagle Mountain is hardly a pristine, desert site. It's a scar on the earth that will be reclaimed over time. And with its reclamation come benefits, both environmental and economic, to Riverside County and to Kaiser Steel retirees.

I urge you to consider the hard science and facts for Eagle Mountain. Then, approve it and let this much needed project move ahead.

Thank You.

Frank Hurdzan

H Mr. Frank Hurdzan
617 E. 16th St.
San Bernardino CA 92404-5117

Response to Comment 246-1

Comment acknowledged.

HDR

August 30, 1996

Mr. Robert A. Nelson
Chief Executive Officer
Riverside County Waste Resources Management District
1995 Market Street
Riverside, CA 92501 - 1719

Re: Report on Resolution of Third-Party Recommendations Incorporated into the Draft EIS/EIR for the Eagle Mountain Landfill and Recycling Center Project

Dear Mr. Nelson:

In accordance with our contract with Riverside County Waste Resources Management District to provide an independent (Third-Party) technical review; HDR Engineering, Inc. submitted, on April 5, 1996, the Final Report of Findings and Recommendations on the February, 1996, Administrative Review Draft (Screencheck) Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Eagle Mountain Landfill and Recycling Center Project. After reviewing the July, 1996 Draft EIS/EIR, HDR Engineering, Inc. is please to submit the attached Report on the Resolution of HDR's Third-Party Recommendations which were included as a part of the April 5, 1996 Report of Findings and Recommendations.

You will note we have reprinted the **Topic Headings** and the associated *Recommendations*, presented in the styles shown, from the April 5, 1996 Final Report of Findings and Recommendations,. Following each *Recommendation* is its associated *Resolution*.

Based upon our review of the Draft EIS/EIR, for the Eagle Mountain Landfill and Recycling Center prepared by CH_2M Hill, dated July, 1996, it is our opinion that the document is reasonably complete.

On behalf of the HDR Review Team, we would like to thank the Riverside County Waste Resources Management District for this opportunity to be of assistance. Please contact us at (714) 756-6800 with any questions or if we can be of further assistance.

Sincerely,
HDR Engineering, Inc.

Nowland D. Bambard, P.E.
Senior Project Manager

cc: Lesley Likins, Senior Planner
Ellen Bogardus, HDR
George Brogan, Brogan Consultants, Inc.
Howard Barlow, Geomatrix

HDR Engineering, Inc. Suite 1800 2600 Michelson Drive Irvine, California 92715-1507 Telephone 714 756-6800 Fax 714 756-6895 Engineering

Response to Comment 247-1

Comment acknowledged.

REPORT ON RESOLUTION OF THIRD-PARTY RECOMMENDATIONS

ON THE

JULY, 1996

DRAFT ENVIRONMENTAL IMPACT STATEMENT/ ENVIRONMENTAL IMPACT REPORT

FOR THE

EAGLE MOUNTAIN LANDFILL AND RECYCLING CENTER

Prepared for

Riverside County
Waste Resources Management District

by

HDR Engineering, Inc.
2600 Michelson Drive
Suite 1600
Irvine, CA 92715

August 30, 1996

Summary of Recommendations and their Resolution

General Comments

1. Each reviewer was overwhelmed not only by the size of the EIS/EIR and the Supporting Reports and Appendices, but especially by the Report of Waste Discharge and other related reports. The most universal comment was the need to have more cross references in the EIS/EIR to the appropriate sections of the related documents. Each reviewer spent a considerable amount of time searching supporting documentation to verify an important aspect of the EIS/EIR. We strongly recommend that a table or hierarchy of references with timeline and subjects be included as an appendix and that all references be very specific as to the location as well as document referenced. 1

Resolution Although the Draft EIS/EIR does not include an appendix with a table or hierarchy of references, a sufficient number of additional references have been incorporated at critical points throughout the document.

Bottom Liner Design

Recommendations

1. None identified. (The bottom landfill liner system represents a conservative design which meets and/or exceeds that required under current regulations. If installed properly, it should function as designed.)

Resolution No resolution required.

Sidewall Liner Design

Recommendations

1. The ROWD Drawings, and the subsequent GeoSyntec correspondence should be clarified as to whether the 80 mil geomembrane component would have a textured surface in contact with the geotextile cushion layer. 2

Resolution The requested clarification has been incorporated into the Draft EIS/EIR.

2. A demonstration and discussion regarding how the geomembrane elements, in the composite liner, will act in tension should be provided.

Resolution A discussion of how potentially damaging tension in the geomembrane and geosynthetic clay liner (GCL) is to be avoided is referenced in the Draft EIS/EIR. 3

Response to Comment 247-2

Comment acknowledged.

Response to Comment 247-3

Comment acknowledged.

4 3. A demonstration and discussion comparing the GCL to a clay liner and demonstrating its equivalency through the use of the HELP Model should be provided.

Resolution The requested information has been provided in subsequent documentation referenced in the Draft EIS/EIR.

Leachate Collection and Removal System (LCRS)

Recommendations

1. None identified. (The LCRS represents a conservative design which meets and/or exceeds that required under current regulations. If installed properly, it should function as designed.)

Resolution No resolution required.

Waste Unloading Facility

Recommendations

5 1. The EIS/EIR should be modified to address the pending purchase of the Southern Pacific (SP) railroad system by the Union Pacific (UP) and account for a sizable growth in the number of trains traveling along the SP southern corridor, including Rail Line Segments 1, 2, and 3 as shown on Figure and Table 3.3-1 of the EIS/EIR.

Resolution The merger of the UP and SP, which was approved in June, 1996, does not appear to have been addressed in the Draft EIS/EIR.

6 2. Sections 3.3.1.1 and 4.3.1.1 of the EIS/EIR should also be modified to account for future rail traffic growth which is not due to the project itself.

Resolution The requested modification does not appear to have been incorporated into the Draft EIS/EIR.

3. Section 4.3.2.1 should be modified to address the anticipated impacts from the change in train types. Additionally the references to "twin stack" cars of 256-foot length should be modified to "double stack" cars of 305 foot length.

7 *Resolution* The requested modifications do not appear to have been incorporated into the Draft EIS/EIR.

Response to Comment 247-4

Comment acknowledged.

Response to Comment 247-5

The merger of the Southern Pacific and the Union Pacific Railroad is not expected to adversely alter the existing or projected number of trains through the Coachella Valley. Also see Response to Comment 9-3.

Response to Comment 247-6

The discussion of future rail growth that is not due to the project is contained in Appendix D, Section 3.

Response to Comment 247-7

The comment is acknowledged. These terms are used interchangeably in the EIS/EIR and are commonly used in the industry.

8 4. Section 5.5.3.5 and Section 4.3.2.1 should be modified to resolve the apparent conflict.

Resolution The requested clarification has been incorporated into the Draft EIS/EIR addressing the apparent conflict.

Bottom Liner Constructibility

Recommendations

9 1. Prepare a contingency plan to address bottom liner construction difficulties.

Resolution The Draft EIS/EIR indicates that separate construction design plans and specifications will be prepared for each phase of the landfill's development. The Draft EIS/EIR indicates that construction difficulties associated with the installation of the bottom liner will be addressed in the Construction Quality Assurance (CQA) Program developed for each respective landfill phase. The effective implementation of such a CQA Program would adequately address this recommendation.

Sidewall Liner Constructibility

Recommendations

10 1. Prepare a contingency plan to address sideslope liner construction difficulties.

Resolution The Draft EIS/EIR indicates that separate construction design plans and specifications will be prepared for each phase of the landfill's development. The Draft EIS/EIR indicates that construction difficulties associated with the installation of the sidewall liner will be addressed in the Construction Quality Assurance (CQA) Program developed for each respective landfill phase. The effective implementation of such a CQA Program would adequately address this recommendation.

Leachate Collection and Removal System

Recommendations

11 1. Prepare a contingency plan to address LCRS construction difficulties.

Resolution The Draft EIS/EIR indicates that separate construction design plans and specifications will be prepared for each phase of the landfill's development. The Draft EIS/EIR indicates that construction difficulties associated with the installation of the LCRS will be addressed in the Construction Quality Assurance (CQA) Program developed for each respective landfill phase. The effective implementation of such a CQA Program would adequately address this recommendation.

Response to Comment 247-8

Comment acknowledged.

Response to Comment 247-9

Comment acknowledged. A Construction Quality Assurance Program will be included as each landfill phase is developed.

Response to Comment 247-10

Comment acknowledged.

Response to Comment 247-11

Comment acknowledged.

Geologic Conditions (Debris Flows and Alluvial Soils)

Recommendations

12 1. Additional information on the potentially more compressible soils beneath the entire landfill footprint should be provided. The debris flow deposits, if present beneath the landfill footprint, should be mapped and differentiated from the alluvial deposits. The engineering properties of these materials also should be determined, with particular attention to differential settlements between bedrock and these deposits and their effects on the liner and LCRS.

Resolution The Draft EIS/EIR adequately addresses the recommendation by indicating that as a part of the preparation of the construction design plans and specifications, a geotechnical investigation will be performed on each respective landfill subphase. The last bulleted paragraph on Page 2-44 of the Draft EIS/EIR states, "Geotechnical investigations of each subphase area will be used to investigate the extent of alluvial and debris flow deposits. The geotechnical investigations will address the compressibility and collapse potential of alluvial materials and calculations will be performed to estimate the resulting total and differential settlements within each subphase. The potential for impacts to the containment system from these total and differential settlements will also be evaluated for each new subphase during the construction-level design. If the evaluation reveals a potential for significant impact on the performance of the containment system, the construction specifications for that subphase will contain requirements for excavating unsuitable foundation materials and replacing them with compacted engineered fill."

Geologic Conditions (Blasting of Sideslopes)

Recommendations

13 1. We recommend that a protocol be developed to assure that blasts will be designed in a manner to protect the personnel and the liner, so that airborne fragments, rockfalls or rockslides, and permanent deformations of the liner and other environmental control systems, are avoided.

Resolution The Draft EIS/EIR indicates that separate construction design plans and specifications will be prepared for each phase of the landfill's development and that likewise a separate blasting protocol will be developed for each phase of landfill construction. The development of a separate blasting protocol for each phase of landfill construction would adequately address this recommendation.

Response to Comment 247-12

Comment acknowledged.

Response to Comment 247-13

Comment acknowledged. Blasting protocols will be developed for each landfill phase.

Geologic Conditions (Pit and Natural Slopes)

Recommendations

1. We recommend that the analyses consider the range in dip to include the most conservative value for each fracture set. Analyses considering different dip angles, if conducted, may or may not indicate lower factors of safety than reported in Table 8-5. The analyses should include analyzing inclinations of fractures at both plus and minus one sigma. The input data and results of the analyses should be summarized, and brought forward into the EIS/EIR from the ROWD. 14

Resolution This topic is addressed adequately in the discussions provided in the Draft EIS/EIR.

2. The liner construction procedure should be reviewed, and if appropriate a construction protocol should be developed, to ascertain that the construction procedure will include removal of potentially unstable rock wedges during construction, and recognition that zones of weak rock, such as intensely fractured zones along faults and altered or mineralized zones, will require special considerations in design and/or construction. In addition, the location in the EIS/EIR where this mitigation procedure is described should be cross-referenced in section 4.9.3.6 of the EIS/EIR. 15

Resolution The Draft EIS/EIR indicates that separate construction design plans and specifications will be prepared for each phase of the landfill's development and that construction procedures associated with the installation of the liner will be addressed in the Construction Quality Assurance (CQA) Program developed for each respective landfill phase. Specifically the CQA program in association with the plans and specifications will address the removal of potentially unstable rock wedges during construction. Although this mitigation procedure does not appear to have been cross-referenced in section 4.9.3.6 of the EIS/EIR, the effective implementation of such a CQA Program would adequately address this recommendation.

Seismic Conditions, Faulting and Seismic Events

Recommendations

1. We recommend that the seismic discussion be expanded to address the following questions and concerns. 16

The Probabilistic Seismic Hazard Analysis (PSHA) is based on a few key assessments that dominate the design ground motions: the maximum magnitude and the recurrence rate assessed for the Southeast Transverse Ranges (STR) source zone and for the Blue Cut fault. The methodology for assessing these is not clear, both in the report and in the back-up appendix. Specific questions to be addressed are:

Response to Comment 247-14

Comment acknowledged.

Response to Comment 247-15

Comment acknowledged. Rock wedge removal will be addressed in the Construction quality assurance plan that will be provided to the Regional Water Quality Control Board with the final landfill design.

Response to Comment 247-16

Comment acknowledged.

- How was the maximum magnitude of 6.75 assessed for the STR zone? How is this consistent with the M 7.5 Landers earthquake, which lies within the zone?

- The recurrence rate is based on a short time interval and the occurrence of the 1992 Joshua Tree and Landers earthquakes (the largest earthquake in the state in the past 50 years) is excluded. How can this event be simply eliminated? The entire process must be carefully explained.

- What is the basis for the M 7.5 maximum magnitude on the Blue Cut fault?

- How was the slip rate on the Blue Cut fault estimated?

Resolution The requested demonstration and discussion has been provided in Appendix H of the Draft EIS/EIR.

2. Based upon our review, we recommend that the Report entitled *Summary of Information on the Age of Faulting, Eagle Mountain Landfill and Recycling Center, Riverside, California*, dated October 12 , 1993, by GeoSyntec Consultants, be updated to include an appendix that contains the review by Mr. Bryant of CDMG, along with GeoSyntec responses to his conclusions and recommendations, as appropriate, and that the updated summary report be included with the other summary reports and made available to the public along with the EIS/EIR. 17

Resolution The requested demonstration and discussion provided in the Draft EIS/EIR is adequate. The response indicated that the "Bryant" report, the Summary Report, and the cross referenced table will all be provided for public review allowing readers to find responses to each of the points of the "Bryant" report.

3. The extensive body of original reports, summaries, appendices, and text in the EIR/EIS appear to have been produced on independent schedules, not all of the data are cross-referenced in the text of the EIS/EIR, even though the cross-references may exist in the summary reports, appendices in the EIS/EIR, or portions of the ROWD. Therefore, it is recommended that text and tables, as appropriate, be brought forward in summary form into the text of the EIS/EIR and/or the summary report regarding age of faulting, to supplement existing references; that the text cross-references be checked and updated, and that the additional summary report regarding age of faulting be made available for review along with the EIS/EIR 18

Resolution This topic is adequately addressed in the discussions provided in the Draft EIS/EIR.

Response to Comment 247-17

Comment acknowledged.

Response to Comment 247-18

Comment acknowledged.

Site Hydrology

Recommendations

19 1. Provide a rationale for using this suite of ground-water level data.

Resolution The requested rational has been provided in Appendix C-4 of the Draft EIS/EIR.

2. Provide rational as to why piezometers P-3, P-4, and P-5 were not used to construct the potentiometric surface.

20 *Resolution* The requested rational has been provided in Appendix C-4 of the Draft EIS/EIR; however, a rational for why piezometers P-3 was not used to construct the potentiometric surface was not included in Appendix C-4.

3. Provide a clear and accurate description of the correction to the potentiometric map for the ground-water level in P-15.

21 *Resolution* The requested description has been provided in Appendix C-4 of the Draft EIS/EIR.

4. Review and correct Table 2 as needed to reflect that the bottom of the casing is at a depth of 945 with a steel end cap between 940 and 945.

22 *Resolution* The requested corrections to Table 2 have been made in Appendix C-4 of the Draft EIS/EIR.

5. Adjust the conceptual hydrogeologic model of the site to account for a fractured porous media.

23 *Resolution* The requested adjustment has been provided in Appendix C-4 of the Draft EIS/EIR.

6. It is recommended that conceptual model for ground-water flow be adjusted to account for additional undefined faulting.

24 *Resolution* The recommended adjustment has been provided in Appendix C-4 of the Draft EIS/EIR.

7. It is recommended that GeoSyntec evaluate the well completion for MW-10 and MW-11 and provide description of the ground-water sampling methodology be provided.

25 *Resolution* The recommended evaluations and descriptions have been provided in Appendix C-4 of the Draft EIS/EIR.

8. Provide a description of the vertical distribution of fractures and hydraulic conductivity that would likely be associated with the fractures at the site.

26 *Resolution* The requested description has been provided in Appendix C-4 of the Draft EIS/EIR.

Response to Comment 247-19

Comment acknowledged.

Response to Comment 247-20

Comment acknowledged.

Response to Comment 247-21

Comment acknowledged.

Response to Comment 247-22

Comment acknowledged.

Response to Comment 247-23

Comment acknowledged.

Response to Comment 247-24

Comment acknowledged.

Response to Comment 247-25

Comment acknowledged.

Response to Comment 247-26

Comment acknowledged.

9. Provide hydrogeologic cross sections across the canyon and down the axis of the canyon.

27

Resolution The requested cross sections have been provided in Appendix C-4 of the Draft EIS/EIR.

Geotechnical Conditions

Recommendations

1. Provide a discussion as to the methodology for placement and seaming the GCL.

Resolution The requested discussion has been provided in a letter titled "Supplement to GeoSyntec 23 February 1994 Letter Report, Geosynthetic Clay Liner (GCL) For The Side-Slope Liner System, Eagle Mountain Landfill", which addresses regulatory agency concerns with the GCL liner.

28

2. Additional information on the potentially more compressible soils beneath the entire landfill footprint should be provided. The debris flow deposits, if present beneath the landfill footprint, should be mapped and differentiated from the alluvial deposits. The engineering properties of these materials also should be determined, with particular attention to differential settlements between bedrock and these deposits on the liner and LCRS.

Resolution The Draft EIS/EIR adequately addresses the recommendation by indicating that as a part of the preparation of the construction design plans and specifications, a geotechnical investigation will be performed on each respective landfill subphase. The last bulleted paragraph on Page 2-44 of the Draft EIS/EIR states, "Geotechnical investigations of each subphase area will be used to investigate the extent of alluvial and debris flow deposits. The geotechnical investigations will address the compressibility and collapse potential of alluvial materials and calculations will be performed to estimate the resulting total and differential settlements within each subphase. The potential for impacts to the containment system from these total and differential settlements will also be evaluated for each new subphase during the construction-level design. If the evaluation reveals a potential for significant impact on the performance of the containment system, the construction specifications for that subphase will contain requirements for excavating unsuitable foundation materials and replacing them with compacted engineered fill."

29

Landfill Gas Collection System

Recommendations

30

1. Provide discussion as to the maximum flow rate per flare used for the calculations and its relationship to the industry standards.

Response to Comment 247-27

Comment acknowledged.

Response to Comment 247-28

Comment acknowledged.

Response to Comment 247-29

Comment acknowledged.

Response to Comment 247-30

Comment acknowledged.

Resolution The discussion provided in the Draft EIS/EIR indicates that the maximum flow rates calculated for the Eagle Mountain Landfill have been based upon average landfill gas (LFG) flow rates and other LFG related characteristics as determined from four other Riverside County Landfills. This should be a conservative approach to estimating the maximum flow rates, assuming that the LFG collection systems of the County landfills which are being used as a source of the data are capturing all of the generated LFG.

2. Revise Section 6.9.2 of the ROWD so as to be less misleading as to the total amount of landfill gas generated.

31

Resolution Because the ROWD is a completed and published document, the discussion on the maximum gas generation rates provided in the Draft EIS/EIR is an adequate response.

3. Revise Section 6.9.3 of the ROWD to account for all of the proposed 1,000 active gas extraction wells.

32

Resolution Because the ROWD is a completed and published document, the discussion on the collection of landfill gas and the indication in the Draft EIS/EIR that separate construction design plans and specifications will be prepared for each phase of the landfill's development is an adequate response

4. In Section 6.9.4 of the ROWD, clarify Figure 6-24 by either removing the reference to the steel casing slip form or include an interim well detail.

33

Resolution Because the ROWD is a completed and published document, the discussion on the collection of landfill gas and the indication in the Draft EIS/EIR that separate construction design plans and specifications will be prepared for each phase of the landfill's development is an adequate response.

5. In Section 6.10.2 of the ROWD, as appropriate, indicate that the headers and laterals will also be installed in phases throughout the life of the landfill.

34

Resolution Because the ROWD is a completed and published document, the discussion on the collection of landfill gas and the indication in the Draft EIS/EIR that separate construction design plans and specifications will be prepared for each phase of the landfill's development is an adequate response.

6. Provide an assessment of the gas extraction system at the theoretical peak gas emission rate for the landfill. should be included.

35

Resolution The discussion provided in the Draft EIS/EIR indicates that the maximum flow rates calculated for the Eagle Mountain Landfill have been based upon average landfill gas (LFG) flow rates and other LFG related characteristics as determined from four other Riverside County Landfills. This should be a conservative approach to estimating the maximum flow rates, assuming that the LFG collection systems of the County landfills which are being used as a source of the data are capturing all of the generated LFG.

Response to Comment 247-31

Comment acknowledged.

Response to Comment 247-32

Comment acknowledged.

Response to Comment 247-33

Comment acknowledged.

Response to Comment 247-34

Comment acknowledged.

Response to Comment 247-35

Comment acknowledged.

Air Quality

Recommendations

1. Provide discussion as to the impacts on the Project if emission offsets were not available.

36

Resolution The Draft EIS/EIR adequately addresses the issue of emission offsets.

Safe Operations

Recommendations

1. Prepare a contingency plan to address safe operations during construction.

37

Resolution The Draft EIS/EIR indicates that separate construction design plans and specifications will be prepared for each phase of the landfill's development. and that a Health And Safety Plan (HASP) will be developed for each phase of construction. Each HASP will address the safe operations and construction procedures to be followed during the construction effort. The effective implementation of such a HASP would adequately address this recommendation.

Hydroelectric Project

Recommendations

1. It is our recommendation that the additional comments presented on the hydroelectric project be incorporated into the EIS/EIR. In our opinion, these two projects are not compatible, and we can not envision any way of making them compatible. It is our recommendation that the statement of the incompatible nature of both Projects be strengthened.

38a

Resolution The Draft EIS/EIR does not address this recommendation. It is our understanding that since the ECEC Project has not submitted any design documents for public review and comment, inclusion of compatibility comments in the Eagle Mountain Project EIS/EIR would be based largely on supposition rendering the accuracy of the EIS/EIR to question. Our recommendation as to the incompatibility of these two projects was therefore not incorporated into the Draft EIS/EIR. Our Observations and comments are included in Attachment "A".

FINAL CONCLUSIONS AND RECOMMENDATIONS

Based upon our review of the Draft EIS/EIR, for the Eagle Mountain Landfill and Recycling Center prepared by CH_2M Hill, dated July, 1996, it is our opinion that the document is reasonably complete.

Response to Comment 247-36

The issue raised in this comment is discussed in detail in the Draft EIS/EIR (Appendix E, Part 4.5.2) regarding consistency with South Coast Air Quality Management District Rule 1303. As discussed in this section, under Rule 1304(c)(5), landfill gas flares are exempt from requirements to obtain emission offsets if sufficient offsets are not available from the District's Priority Reserve. Consequently, if future emission offsets are not available from the District's Priority Reserve, the applicant would not have to obtain offsets for future landfill gas flares. Also see General Response 7.

Response to Comment 247-37

Comment acknowledged. A Health and Safety Plan is required for each phase of construction.

Response to Comment 247-38

(a) The comment states that the proposed landfill and the ECEC hydropower project are incompatible based on a number of technical reasons. The County of Riverside has no opinion on the ECEC project, no land use or environmental applications are pending before the County, and the County has had no discussions with ECEC regarding the hydroelectric project. The ECEC project is discussed in Section 5.4.1.1 of the Draft EIS/EIR. The physical features and operational characteristics are outlined in Table 5-1 of the Draft EIS/EIR. The potential cumulative impacts of the ECEC project, as determined by ECEC application filings with the Federal Energy Regulatory Commissions, are listed in Table 5-2.

Attachment "A"

For the record, we would like to repeat our comments on the incompatibility of these two projects based upon the following reasons which were outlined in the "Report of Findings and Recommendations on the Administrative Draft" dated April 5, 1996.

b • The EIS/EIR describes daily water-level fluctuations of 95 feet in the Upper Reservoir (Central Pit), and 121 feet in the Lower Reservoir (East Pit) of the ECEC Project; however, it does not address the following issues. These daily fluctuations might result in hydraulic pumping of ground water levels in fractures that could have hydrologic communication with the landfill liner, with the ground water monitoring wells of the landfill, or both. The potential for hydraulic pumping could result in failure of the landfill liner, and could adversely affect the stability of the ground water monitoring wells that might be affected by the pumping.

c • The EIS/EIR states that the ECEC Project calls for three tunnels to be constructed under Phases 3, 4 and 5 of the lined landfill. Two of these tunnels will carry water, one will be the upper pressure tunnel, used to create hydraulic head to drive the turbines, while the other will serve as the tailrace tunnel that extends from the powerhouse to the Lower Reservoir. Both will transmit water under pressure, although the tailrace tunnel may not be designed as a pressure tunnel. The third tunnel is to be for maintenance access. The tunnels must be constructed in fractured bedrock underlying the lined landfill. If the concrete lining of a water tunnel were to crack or breach in any way near a fracture with permeability in communication with the landfill liner foundation, such as along an upward plane, it is possible that the hydraulic pressure could cause the landfill liner to fail. Thus water tunnels, whether or not under pressure, are not compatible beneath a solid waste landfill.

(b) The comment states that the potential for hydraulic pumping due to drastically changing water levels in the ECEC reservoir could result effect the landfill monitoring wells and/or the liner system due to seepage for the reservoirs. The Draft EIS/EIR discusses the potential for these conditions to exist (Section 5.5.2.1). This potential cumulative impact is not considered significant because:

1. ECEC stated in its application that the reservoirs would be lined (page 5-39).
2. ECEC would be required by the SWRCB to document how the hydroelectric project would be operated so as not to conflict with the landfill design or landfill permit conditions as detailed by the RWQCB (pages 5-39 and 5-40).
3. SWRCB previously denied 401 certification to ECEC for the hydropower project. The SWRCB has agreed to now hold consideration of this 401 permit in abeyance until 1997.

Furthermore, the SWRCB commented on the Draft EIS/EIR (Comment Letter 5) and stated, "[i]t appears that the document adequately identifies the potential cumulative impacts which could occur if both 'projects' proceed forward. It appears that the impacts of potential leakage and seepage from the hydroelectric project facilities have been adequately described"

(c) The comment states that the two lined tunnels beneath the landfill which would carry water for the hydropower project could leak due to a crack in the lining resulting in landfill liner failure. This would be unlikely to occur due to the common practice of lining tunnels, and if it occurred, the water would likely move downward away from the landfill liner. Because of this and the reasons stated in Response to Comment 247-38(a) above, this is not considered a potentially or likely significant impact.

d • The EIS/EIR notes that the ECEC Project anticipates that 15,000 acre-feet of ground water will be used as makeup water and 2,300 acre-feet of ground water will be used annually thereafter to replace water lost, presumably to evaporation. This suggests in excess of 15% annual loss due to evaporation. Based upon this knowledge, it is easy to deduce that, due to the evaporation, the water remaining in the ECEC Project reservoirs will continually increase in salinity and total dissolved solids. We are of the opinion that seepage from the reservoir is inevitable, and the concentration of the naturally occurring chemicals will adversely impact the landfill's groundwater monitoring program.

e • A large drawdown of the Chuckwalla Basin aquifer could adversely impact the landfill's groundwater monitoring program.

f • The EIS/EIR discusses the potential for unstable sideslopes in either ECEC reservoir to potentially create wave action, which could damage the reservoir liner; however, it should be pointed out that unstable sideslopes could impart direct damage to the reservoir liner in the form of a breach .

(d) The comment states that due to evaporation, salinity in the water in the hydroelectric project's reservoirs will increase in salinity and dissolved solids, and if leakage occurs, the increase in salinity will impact the groundwater and, therefore, the ability of the landfill groundwater monitoring system to accurately monitor the landfill. This concern is consistent with the SWRCB comment letter (Comment 5-5), the preparer's note, and the SWRCB requirements that the hydroelectric project operate so as not to interfere with the landfill project. See Response to Comment 247-38(a).

(e) The potential significant impact to groundwater resources (overdraft) are discussed in the Draft EIS/EIR on page 5-38 through 5-40. If this occurred it would not likely impact the groundwater monitoring program because:

- The groundwater monitoring program is primarily in the bedrock aquifer, not the alluvium aquifer of the Chuckwalla Basin where ECEC would be withdrawing water (Appendix C-4).
- The long screen length (50 to 90 feet) as discussed in Appendix C and page 4.1-13 of the Draft EIS/EIR would allow large fluctuations in groundwater beneath the site.
- The distance of the ECEC water supply wells for the proposed landfill project (Section 5.4.1.1 and ECEC information submitted to FERC).

Also see Response to Comment 247-38(a).

(f) The potential for a breach of the ECEC upper reservoir is discussed on page 5-39. ECEC has stated that the upper reservoir would be designed to withstand earthquake loading. In addition, it is likely that the Department of Water Business Division of Dam Safety would be required to review and approve the dam design. Also see Response to Comment 247-38(a).

The Draft EIS/EIR makes no conclusion as to the compatibility of the Project, although if it was built it would preclude MRC from using Phase V of the landfill (Section 5.5.2.1).

COMMENT LETTER 248

NOV 1 6 1996

BIA

Riverside County Chapter

Building Industry Association of Southern California, Inc.

November 12, 1996

Riverside County Board of Supervisors
Supervisor Kay Ceniceros
4080 Lemon St. 14th Floor
Riverside, CA 92501

Dear Supervisor Ceniceros:

On behalf of the Board of Directors for the Riverside County Region of the Building Industry Association of Southern California (BIA), I have reviewed the proposed Eagle Mountain landfill project. We respectfully endorse and request the Riverside County Board of Supervisors approve this project as soon as possible.

Our representatives have personally visited and toured the site and feel the project, as proposed by Mine Reclamation Corporation, is a thoughtfully designed and appropriately located facility. It also has an abundance of safeguards in place to protect the public and addresses the critical waste disposal needs of this region as well as providing a strong new revenue source for the County.

We wholeheartedly support this project and urge you to grant approval for this important project.

Sincerely,

Scott E. Woodward
President

/rk

3600 Lime Street, Suite 221 Riverside, CA 92501 (909) 781-7310 Fax: (909) 781-0509

Response to Comment 248-1

Comment acknowledged.

COMMENT LETTER 249

NOV 18 1996

SAN GABRIEL VALLEY ECONOMIC COUNCIL

P. O. Box 448 West Covina, CA 91790 818-337-0446 • Fax: (818) 856-1916

"THE JOB PEOPLE"

November 13, 1996

The Honorable Kay Ceniceros
Riverside County Supervisor
3rd District
4080 Lemon Street, 14th Floor
Riverside, CA 92501

RE: PROPOSED EAGLE MOUNTAIN LANDFILL AND RECYCLING CENTER

Dear Supervisor Ceniceros:

I am writing on behalf of the San Gabriel Valley Economic Council, a non-profit business retention/business advocate organization, to express our endorsement of the proposed Eagle Mountain Landfill project.

We support the Eagle Mountain project as an environmentally superior alternative to existing landfill sites. In the next five to seven years, all of the existing landfills in the San Gabriel Valley will close and we will be totally out of landfill disposal space.

Our disposal options are limited due to our urban setting. We cannot transport west due to freeway congestion. One way or another our waste will be heading east, hopefully to Eagle Mountain. If we do not ship to Eagle Mountain, we will be shipping through Riverside County to another remote site. Riverside County could end up in the unenviable position of getting all of the negative impacts from waste transport with none of the mitigations or positive economic impacts.

We are not alone in this capacity shortfall, many other southern California communities are facing the same predicament and will be looking to ship east as well. In fact, based on current projections, the region will need at least two Eagle Mountain sized projects in the next 10 - 15 years.

The San Gabriel Valley represents a major potential user for the Eagle Mountain project. We urge you to approve the project for the environmental and economic benefits it will provide us all.

Sincerely,

Will A. Lee

Will A. Lee
Executive Director
San Gabriel Valley Economic Council

cc: Richard Daniels, President/CEO
Mine Reclamation Corporation

Response to Comment 249-1

Comment acknowledged.

COMMENT LETTER 250

NOV 1 3 1996

I support the Eagle Mountain Landfill and Recycling Center.

I have taken the time to visit the project site and see it for myself. I believe this is the perfect place for the landfill project. Please do what you can to insure that Eagle Mountain happens.

Yours truly,

MCGCO'S
25401 Rico Road
P.O. Box 250

Date:

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NOV 19 1996
RIVERSIDE COUNTY
PLANNING DEPARTMENT

Response to Comment 250-1

Comment acknowledged.

Comment Letter 251

RECEIVED
NOV 21 1996
RIVERSIDE COUNTY PLANNING DEPARTMENT

Barbara Babashak
P.O. Box 645
New Suffolk, New York
11956
516-734-5647

November 14, 1996

Riverside Planning Dept.
4080 Lemon St
Riverside, Ca. 92501

Dear Riverside County Planning Dept.,

I am writing to protest the building of the Eagle Mountain Landfill near Joshua Tree National Park. I am a strong supporter of the National Parks believing that as much of America's wild and untouched Areas should be preserved and protected. Having a Landfill near such a sensitive desert area would be ecologically unsound and a visual obscenity. I am hoping to visit Joshua Tree National Park in the near future, to enjoy the peaceful calm of the desert. I am hoping that your planning department will use sound judgement and find another location for the Landfill.

Sincerely,
Laura Babashak
Laura Babashak

Response to Comment 251-1

Comment acknowledged.

David Mares— 9/10/96

I would like to express my concern on the Eagle Mountain Project. I feel the people on this project have gone out of their way to meet the publics concerns. It will be a worthwhile project. Robert Nibecker

Mr. Robert Nibecker
30278 Avenir Way
Sun City, CA 92584

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SEP 13 1996

RIVERSIDE CO
David Mar
County of Ri
Hon

Response to Comment 252-1

Comment acknowledged.

COMMENT LETTER 253

Joanne L. Anderson
1279 Clubhouse Drive
Aptos, CA 95003
Phone/Fax 408/685-0410

September 11, 1996

Director
Riverside County Planning Department
4080 Lemon Street, 9th Floor
Riverside, CA 92501

To Whom It May Concern:

I am very alarmed regarding the proposed landfill at Kaiser's Eagle Mountain Mine located near Joshua Tree National Park.

I have expressed my concern regarding this obscene plan to both Barbara Boxer and Diane Feinstein. The response was a mish mash of meaningless words.

Was this landfill a pre-planned rider written prior to the signing of these lands as a National Park? And how much of a part did the Riverside County politicians have prior to these lands designated as a National Park. How can county officials consider such an impact to our precious land that will include bright lights illuminating the desert, heavier traffic on our Interstate, the disturbance of our natural habitat and the implications to our animals and wildlife? You should all be ashamed and should devote your plans of generating money into your coffers into something that does not have an impact on our land. Perhaps you and the Imperial County politicians could come up with a joint effort in their county.

We are property owners at the opposite end of this magnificent National Park close to the Indian Cove entrance. We do not want a landfill in or near our National Park. When we are on the desert we enjoy meeting visitors from throughout the world who marvel at our unique land. Why would a landfill even be a consideration on this most precious topographical area?

Not a landfill in this area now or ever.

Sincerely,

Joanne Anderson

Joanne Anderson

RECEIVED
SEP 16 1996
ADMINISTRATION
RIVERSIDE COUNTY
PLANNING DEPARTMENT

Response to Comment 253-1

Comment acknowledged.

COMMENT LETTER 254

RECEIVED
SEP 19 1996
PLANNING DEPARTMENT

September 15, 1996

Riverside County
Planning Department
4080 Lemon Street, 9th Floor
Riverside, Ca 92501

To whom it may concern:

Congressional legislation granted the California desert the protection that it deserves by passing the California Desert Protection Act in 1994. This Act recognized the unique characteristics found in Joshua Trees and Death Valley National Monuments and gave these two regions full protection by upgrading them to National Parks.

Considering these aspects, why would anyone build the world's largest garbage dump next to Joshua Trees National Park? The proposed Eagle Mountain landfill may be established within 1.5 miles of the park, which is home to the namesake tree and endangered desert tortoise. The developer, Mine Reclamation Corporation, would like to bring over 20,000 tons of garbage daily, via freight cars, to the proposed 2000 acre megadump for the next 78 years. Not exactly what I would consider to be consistent with land and wildlife preservation or ecotourism. The safeguards that are being considered for containment could fail over the active lifetime of the Eagle Mountain dump and beyond, especially in this earthquake prone region, and natural habitats would be altered forever.

I urge you to act against the approval of the Eagle Mountain megadump. It certainly is not consistent with what is logically appropriate.

Sincerely,

Tom Vullo

Tom Vullo
1534-84th Street
Brooklyn, N.Y. 11228

Response to Comment 254-1

Comment acknowledged.

COMMENT LETTER 255

September 12, 1996

RECEIVED
SEP 16 1996
RIVERSIDE COU

Dear Mr. Mares,

I am writing you today to voice my total support for the Eagle Mountain Landfill and Recycling Center Project.

As sad as it was to see the Kaiser Steel Mine close, the opportunity to see a new industry come in and revitalize the community is exciting! The Landfill Project just makes sense to me. The need for a State of the Art Landfill for Southern California with a long life with all of the safety protections planned has become a priority.

I believe the Developers of the Landfill have done everything possible to see that the project is safe and the nearby surroundings such as the desert wildlife are protected.

I know that the opposition has had concerns about a few things with the Landfill. I believe they are only trying to delay the project because as the landfill meets their demands and satisfies their concerns, they come up with another demand. The idea that added traffic on the freeway or a few extra trains traveling through the Coachella Valley would ever

Response to Comment 255-1

Comment acknowledged.

be noticed by the general public is laughable! Can anyone tell me how many trains travel daily through the Coachella Valley? Since it probably varies daily, what difference will it make? A couple more trains wont make any difference as far as pollution, noise etc. The same goes for the trucks. Our main pollution comes from Los Angeles and Riverside areas and not from the traffic on Interstate 10 passing through our valleys. One only has to look and see the smog cloud building and passing through Banning coming straight at the Coachella Valley. Another concern is the desert tortoise. I'm an animal lover but I've only seen one tortoise in my twenty seven years of living in the desert. And that was in the early '70's.

You see, I have the unique situation of having grown up in Eagle Mountain and also I've lived in Desert Center and Lake Tamarisk. I also worked at the Kaiser Steel Iron Ore Mine in Eagle Mountain where the Landfill Project is to be built. I know the local area real well, having worked on the Survey Crew, allowing me to see

the entire mining operation. Now I'm employed with Riverside County at Service Area # 51 in Lake Tamarisk. I've seen the good times and bad times in the area. I've watched a once alive and full of promise community of Eagle Mountain slowly die in the early 80's as the mine closed and Lake Tamarisk Service Area #51 go from approximately 26 employees to the current staff of three full time men, two part time women and our full time boss. We are understaffed and under funded, having to use old, worn out equipment and our newest truck is seventeen years old. But we try to maintain the quality of service the community has come to expect from us at Riverside County Service Area #51.

I can tell you that having known and spoken to many in the community that they are in favor of the Landfill Project. They recognize the importance of a safe, protected landfill for the County of Riverside and all of the financial benefits that are so needed in the local areas. There are many people in the nearby communities who have even applied for employment

at the Landfill Project only to be turned away by a judges' ruling. This area has been starving for growth and economic stability for a long time. Desert Center is an area owned by one family who seems afraid of any change to help the community grow but who would benefit tremendously if the Landfill Project finally becomes a reality. My hope is that the Board of Supervisors realize that the host community is counting on your approval of this project.

The small but vocal opposition to the Landfill Project will never be satisfied no matter what the Landfill Developers do to try and please them. Which doesn't make sense to me considering the other landfills have no lining and no protection and many are leaking or about to leak. And they continue to use these outdated dumps even though the ideal site for a landfill is at Eagle Mountain! The opposition to the landfill, I would think, should be more concerned with leaking, unlined and polluting dumps instead of trying to stop the real solution to our landfill problems!

In closing, I hope the Supervisors will understand all of the good things the Landfill Project will provide. From the closure of all of the old county dumps to the much needed jobs and financial help the Landfill promises to provide for generations to come. I am urging a yes vote for the Eagle Mountain Landfill and Recycling Center Project.

Sincerely,
Robin Heath
Palm Desert, Ca. 92211

COMMENT LETTER 256

RECEIVED
SEP 16 1996
VERSIDE COU

70 Forest Ridge Road, #15
Monterey, CA 93940
September 6, 1996

Riverside County Planning Department
4080 Lemon Street, 9th Floor
Riverside, CA 92501

Dear Planning Department:

I would like to register my opposition to the Eagle Mountain Landfill proposed by Mine Reclamation Corporation. While we don't live in your county, we spend time every winter in Joshua Tree National Monument and in Desert Hot Springs. The noise and the potential for pollution of this fragile area are frightening prospects. Surely there must be another area not so close to a national park.

Thank you for your attention.

Sincerely,

Anne Adams Helms

Anne Adams Helms

Response to Comment 256-1

Comment acknowledged.

RECEIVED
SEP 16 1996
VERSIDE COU

Riverside Co. Planning Dept
4080 Lemon St, 9th floor
Riverside, CA 92501

September 10, 1996

County Planners:

I read about the proposed landfill within 1.5 miles of Joshua Tree National Park.

Joshua Tree is one of the most wonderful and spiritual places I have visited. I am very worried about the impact your proposed landfill would have on the park.

Please consider another location or solution. Please do not locate your landfill so close to Joshua Tree National Park.

Sincerely,
Maria M. Case
(907) 479-8837

Maria Case
P.O. Box 82021
Fairbanks, AK 99708

Response to Comment 257-1

Comment acknowledged.

COMMENT LETTER 258

RECEIVED
SEP 1 ~ 1996
VERSIDE COU
'ING DEP

September 6, 1996

Riverside County Planning Department
4080 Lemon St.
9th Floor
Riverside, CA 92501

To Whom It May Concern,

I am writing in regard to the proposed dump site to be located near Joshua Tree National Park.

I want to express my concern in respect to the development of a dump a mile and a half from Joshua Tree National Park. My concern relates to two issues. First the unthinkable stench which the dump will create will undoubtedly cause unpleasantness to all visitors to the park. Second, despite the findings in the Environmental Impact Reports completed I fear for the balance of the ecology within Joshua Tree National Park.

I can understand the county's desire for the potential revenue gain $708 trillion. However, I find it difficult to believe that in all of Riverside County a more suitable place can not be located for the dump site. As a resident of the state of California and of the United States I feel that my right, and that of every other U.S. citizen, to enjoy one of our protected National Parks would be placed in violation should the dump be located in such close proximity to the park.

I would like to request further information regarding this proposed ecological blunder so that I could further educate myself on the issue. Please send any information to:

John Crawford
1755 O'Farrell St. #1612
San Francisco, CA 94115

Thank You,

John Crawford

Response to Comment 258-1

Comment acknowledged.

COMMENT LETTER 259

P.O. Box 777
Santa Barbara
CA 93102-0777

Riverside County
Planning Dept.

RECEIVED
SEP 1 1996
VERSIDE COU

I have read recently about the Eagle Mountain landfill that you are considering establishing near Joshua Tree National Park.

PLEASE DO NOT.

I believe that area to be a very important National Treasure, a heritage whose beauty will be negatively impacted by such a plan.

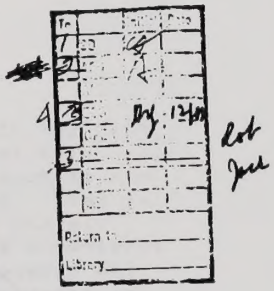
Pat Fish

Response to Comment 259-1

Comment acknowledged.

COMMENT LETTER 260

HOWARD J. WHITAKER
2041 Campton Circle
Gold River, CA 95670-8301



22 October 1996

Secretary Bruce Babbitt
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Secretary Babbitt,

RE: Eagle Mountain Landfill Proposal, California

The draft EIS/EIR for this proposed project is a farce. It consists of unsubstantiated statements and the complete dismissal of the whole eastern half of Joshua Tree National Park. Following are a few examples:

1 | 1) It fails to properly consider the significant impacts of this project to Joshua Tree National Park wilderness and resources;

2 | 2) It fails to describe realistic and achievable mitigation efforts for impacts to Bighorn Sheep and Desert Tortise;

3 | 3) It fails to describe realistic and achievable mitigation efforts with respect to windblown trash and debris.

4 | 4) It fails to mitigate impact to the California Leaf-nosed Bat;

5 | 5) It fails to adequately consider or discuss the impact that increased levels of air pollution will have on the flora and fauna of the Pinto Basin Wilderness.

Response to Comment 260-1

As a cooperating agency under NEPA, the NPS participated at all stages of the preparation of the Draft and Final EIS/EIR. The potential impacts to JTNP wilderness and resources are discussed in detail in Sections 3.11 and 4.11 of the Draft EIS/EIR. These sections focus on wilderness resources and the wilderness experience. In addition, throughout the document, the Draft EIS/EIR addresses impacts to JTNP in individual resource areas, such as air quality (Section 4.4) and water quality (Section 4.1). The NPS has entered into an agreement with Kaiser/MRC, in which the NPS states that the Final EIS/EIR, taking the responses to NPS comments into account, is a complete analysis of the potential impacts of the Project, in accordance with NEPA and CEQA. See Appendix T.

Response to Comment 260-2

See Response to Comments 1-6, 1-7, 1-41, 1-121, 6-4, 26-19, 20-43, and 28-109. Also see General Responses 3 and 6.

Response to Comment 260-3

See General Response 3. Also, the NPS has entered into an agreement with Kaiser/MRC in which the NPS states that the Final EIS/EIR, taking the responses to NPS comments into account, is a complete analysis of the potential impacts of the Project, in accordance with NEPA and CEQA. See Appendix T.

Response to Comment 260-4

See Response to Comments 1-8, 8-10, and 26-20. Also see General Responses 3 and 6.

Response to Comment 260-5

See General Responses 3, 6, and 7. Also, the NPS has entered into an agreement with Kaiser/MRC in which the NPS states that the Final EIS/EIR, taking the responses to NPS comments into account, is a complete analysis of the potential impacts of the Project (including the Pinto Basin), in accordance with NEPA and CEQA. See Appendix T.

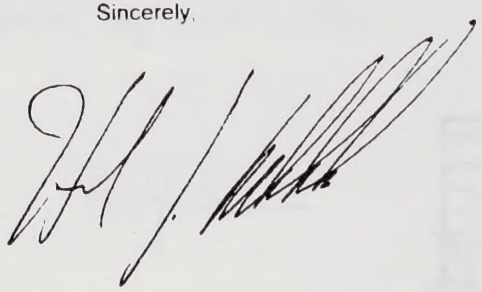
6 One of the most significant impacts is the plan to repopulate the Eagle Mountain townsite. The Draft EIS/EIR fails to recognize that this will increase illegal incursions into wilderness and will involve increased poaching of animals and plants, illegal off-highway vehicle use, illegal fires, and illegal camping. The Draft simply asserts, without any justification whatsoever, that the project is "unlikely to increase illegal access to the park".

Furthermore, the Draft concludes that increase in off-highway vehicle (OHV) use, and resultant environmental destruction, will not occur because "it is illegal" to use off-highway vehicles in wilderness. What a joke! It is a fact of life that whenever people move into the desert, they bring their OHV's with them; they will bring them to Eagle Mountain Townsite and some people will use them illegally. The Draft fails to recognize this significant and unmitigatable impact.

7 In other instances cited, most of the mitigation measures are passive. Then, there is the ludricrous mitigation measure given for windblown trash, which is that people will go out and pick it up!

The Draft is a mockery of the Administration's supposed sensitivity to environmental and public lands issues.

Sincerely,



Response to Comment 260-6

The comment is incorrect that the EIS/EIR fails to recognize the potential poaching and other potential illegal uses of JTNP. As part of the mitigation for biological resources (Section 4.7 of the Draft EIS/EIR), the Draft EIS/EIR acknowledges the potential for unauthorized access to JTNP and mitigation includes a program to educate Townsite residents.

Response to Comment 260-7

The comment that the mitigation measures are "passive" is unsupported and not correct. In reference to windblown trash mitigation, the measures were developed in consultation with the NPS, and additional contractual obligations are addressed in the NPS Agreement with Kaiser/MRC (see Appendix T). Also see General Response 3.

COMMENT LETTER 261

October 10, 1996

Mr. John Garamendi
Deputy Assistant Secretary
Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

Dear Mr. Garamendi,

Joshua Tree is a little-known treasure in the rich inheritance we hold in trust through the National Park System. It provides habitat for rare animals, such as the endangered desert tortoise and the bighorn sheep -- but is best known for its namesake plant, the huge and stately joshua tree. It also provides a pure wilderness experience increasingly rare in the lower 48 states and protects one of the most beautiful examples of Southwestern deserts in the country. **Joshua Tree is threatened by a proposed 20,000-tons-per-day landfill**, one of several potential "mega-dumps" in the state which will accept garbage for no less than seventy-eight (78!) years.

The Bureau of Land Management (BLM) has failed to adequately answer significant questions about the
1 proposed landfill at Eagle Mountain. How long will the
dump's protective lining last? Who will be responsible for
2 cleaning up the groundwater when it fails? With the
3 prevailing winds blowing directly from the landfill into pristine desert habitat, how will MRC prevent trash from flying into the wilderness. AND WHY HERE? Why the
4 American people be forced to accept such a problematic neighbor for a unit of their National Park System?

Despite political pressures, the Interior
5 Department should support sane management for our national parks and just say "no" to the Eagle Mountain Landfill.

Respectfully yours,

Chris Dunnigan
P.O. Box 691
Healdsburg, CA 95448

Response to Comment 261-1

See Response to General Comment 5.

Response to Comment 261-2

No remedial action is anticipated as a result of the proposed Project (see **Significance after Remediation,** Section 4.1.2.1 [page 4.1-13] of the Draft EIS/EIR). In the unlikely event that corrective action is required, the owner would be responsible for implementation.

Response to Comment 261-3

See Response to General Comment 3.

Response to Comment 261-4

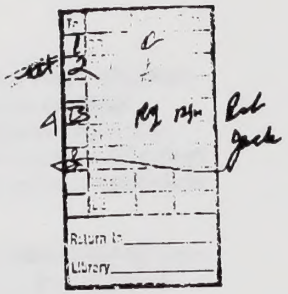
The NPS has entered into an agreement with Kaiser/MRC in which the NPS states that the Final EIS/EIR, taking the responses to NPS comments into account, is a complete analysis of the potential impacts of the Project, in accordance with NEPA and CEQA. See Appendix T.

Response to Comment 261-5

The comment is not correct that the Interior Department is under "political pressure" to support the Eagle Mountain Landfill. Throughout the preparation of the EIS/EIR, the BLM and the County, as lead agencies, have worked closely with other resource agencies, including NPS as a cooperating agency under NEPA, to identify and mitigate potential impacts. The NPS has entered into an agreement with Kaiser/MRC in which the NPS states that the Final EIS/EIR, taking the responses to NPS comments into account, is a complete analysis of the potential impacts of the Project, in accordance with NEPA and CEQA. See Appendix T.

COMMENT LETTER 262

October 22, 1996



Dear Honorable John Garamendi

I am a California citizen and a retired Kaiser Steel employee. I am writing to express my concern over the future of my health and insurance benefits which are being jeopardized by actions taken by Joshua Tree National Park officials. These officials are trying to defeat an important Kaiser project -- the Eagle Mountain Landfill and Recycling Center project. The success of this project is critical to providing the needed funds for my health and insurance benefits as well as all of Kaiser Steel's 7,000 retirees.

We all care about protecting our environment. However, the banner that Joshua Tree officials are waving is not about the environment, but about land grabbing. They simply do not want a landfill project next to the park, despite the fact that it's Kaiser's land and that the project will meet or exceed every county, state and federal standard.

The Eagle Mountain landfill is a local issue, not a federal one. And it's about private property and providing benefits to people like me who desperately need them. The environment and the park will be okay, there are permits and requirements to protect them. Please do what you can to ensure that the Park Service keeps this in mind and is not allowed to kill this much needed and environmentally safe project.

Sincerely,

Frank Hurdan

H Mr. Frank Hurdan
617 E. 16th St.
San Bernardino, CA 92404-5117

Response to Comment 262-1

Comment acknowledged. Because of local land use applications and the proposed land exchange, the proposed Project involves both the County and federal government's involvement under CEQA and NEPA.

COMMENT LETTER 263

GEORGE BECKER
PRESIDENT

LEO W. GERARD
SECRETARY-TREASURER

RICHARD P. DAVIS
VICE-PRESIDENT
(ADMINISTRATION)

LEON LYNCH
VICE PRESIDENT
(HUMAN AFFAIRS)

United Steelworkers of America
DISTRICT NO. 12
SUB-DISTRICT NO. 2
10700 JERSEY BOULEVARD, SUITE 460
RANCHO CUCAMONGA, CALIFORNIA 91730

JACK R. GOLDEN
DISTRICT DIRECTOR

(909) 941-4767
FAX (909) 941-4865

MAIL: P.O. BOX 518
RANCHO CUCAMONGA
CA 91729

October 31, 1996

Riverside County Board of Supervisors
County Administrative Center
4080 Lemon Street, 9th Floor
Riverside, CA 92501

Dear Supervisors:

As a representative of thousands of individuals and families in organized labor, including many in Riverside County (Kaiser Hospital and others), I strongly urge that you give the Eagle Mountain project your unanimous support.

The United Steelworkers of America is a labor organization that has an outstanding reputation and record of supporting a healthy environment. After reviewing every aspect of the plans for Eagle Mountain, we are convinced that it will respect our environment while providing a much needed solution to Riverside County's waste disposal needs.

One of our most urgent concerns in our economy is jobs. We view the need for the Eagle Mountain project as a major element in the creation and maintenance of employment in the Inland Empire.

It will directly employ several hundred well-paying jobs. Also, it will add many hundreds more indirectly as well to assure that jobs in businesses, large and small, will not be eroded if enterprises should lack a safe and readily accessible system of waste disposal at a reasonable price.

Thank you for affording this opportunity to present the view of thousands of workers and families.

Sincerely,

Michael F. Sgambati
Staff Representative
Legislative Coordinator

Response to Comment 263-1

Comment acknowledged.

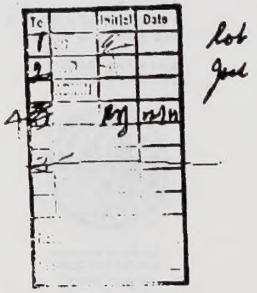
COMMENT LETTER 264

inland empire
concilio de la raza, Inc.
4261 PARK AVE. RIVERSIDE CA. 92507

Dear Honorable John Garamendi:

We are writing this letter in regard to the Eagle Mountain Landfill Project in the Riverside County. This project has had our full support since the beginning. We have done extensive research on the project and find a number of positive effects economically and ecology speaking. Economically, this project would provide new revenue for Riverside County as well as create hundreds of new year-round family-wage jobs. We are also completely behind a landfill project that would allow existing leaking landfills to close and be replace with an environmental superior disposal capacity. In closing, we urge you to please support the Eagle Mountain Project.

GILBERTO CHAVEZ
SPOKESMAN
LA RAZA COALITION



Response to Comment 264-1

Comment acknowledged.

COMMENT LETTER 265

October 22, 1996

Dear Honorable John Garamendi:

I am a California citizen and a retired Kaiser Steel employee. I am writing to express my concern over the future of my health and insurance benefits which are being jeopardized by actions taken by Joshua Tree National Park officials. These officials are trying to defeat an important Kaiser project -- the Eagle Mountain Landfill and Recycling Center project. The success of this project is critical to providing the needed funds for my health and insurance benefits as well as all of Kaiser Steel's 7,000 retirees.

We all care about protecting our environment. However, the banner that Joshua Tree officials are waving is not about the environment, but about land grabbing. They simply do not want a landfill project next to the park, despite the fact that it's Kaiser's land and that the project will meet or exceed every county, state and federal standard.

The Eagle Mountain landfill is a local issue, not a federal one. And it's about private property and providing benefits to people like me who desperately need them. The environment and the park will be okay, there are permits and requirements to protect them. Please do what you can to ensure that the Park Service keeps this in mind and is not allowed to kill this much needed and environmentally safe project.

Sincerely,

William J. & R. Arline Green

Response to Comment 265-1

Comment acknowledged. Because of local land use applications and the proposed land exchange, the proposed Project involves both the County and federal government's involvement under CEQA and NEPA.

COMMENT LETTER 266

October 22, 1996

Dear Honorable Bruce Babbitt:

I am a California citizen and a retired Kaiser Steel employee. I am writing to express my concern over the future of my health and insurance benefits which are being jeopardized by actions taken by Joshua Tree National Park officials. These officials are trying to defeat an important Kaiser project – the Eagle Mountain Landfill and Recycling Center project. The success of this project is critical to providing the needed funds for my health and insurance benefits as well as all of Kaiser Steel's 7,000 retirees.

We all care about protecting our environment. However, the banner that Joshua Tree officials are waving is not about the environment, but about land grabbing. They simply do not want a landfill project next to the park, despite the fact that it's Kaiser's land and that the project will meet or exceed every county, state and federal standard.

The Eagle Mountain landfill is a local issue, not a federal one. And it's about private property and providing benefits to people like me who desperately need them. The environment and the park will be okay, there are permits and requirements to protect them. Please do what you can to ensure that the Park Service keeps this in mind and is not allowed to kill this much needed and environmentally safe project.

Sincerely,

William F. Jekal

12698

Response to Comment 266-1

Comment acknowledged. Because of local land use applications and the proposed land exchange, the proposed Project involves both the County and federal government's involvement under CEQA and NEPA.

COMMENT LETTER 267

HERRERA, EFREN E
25564 CROSS STREET
SAN BERNARDINO, CA 92404
BD

April 28, 1996

The Honorable John Garamendi
Deputy Secretary
U. S. Department of Interior
1849 C Street, N. W., Rm. 5100
Washington, DC 20240

Dear Deputy Secretary:

I am a senior citizen and retired Kaiser employee living in California. In 1987, after the pension and health benefits of 7,000 Kaiser retirees like me had been raided, many retirees were forced to choose between paying our prescription and medical bills and buying groceries. After ten years, we have been able to restore a portion of our benefits, but now some Joshua Tree park rangers are trying to figure out how to stop a project from being built on Kaiser land next to the park.

I am talking about the Eagle Mountain Landfill and Recycling Center project. The success of this project is critical to ultimately restoring my full benefits. Kaiser has committed to develop Eagle Mountain responsibly. Kaiser has already spent many years and many millions of dollars to comply with all the environmental regulations they need to meet for the project. And now, the park officials are trying to delay or kill the project when it is not even their decision to make.

Please allow the officials charged with making the decision on this much needed project act according to the regulations and the law. Don't let these federal employees overstep their bounds to stop the landfill from being judged fairly. Thanks for your help.

Very truly yours,

Efren E. & Emma V. Herrera

Response to Comment 267-1

Comment acknowledged. Because of local land use applications and the proposed land exchange, the proposed Project involves both the County and federal government's involvement under CEQA and NEPA.

COMMENT LETTER 268

RECEIVED

NOV 25 1996

RIVERSIDE COUNTY
PLANNING DEPARTMENT

NOVEMBER 15, 1996

RIVERSIDE COUNTY PLANNING DEPT
4080 LEMON ST
9TH FLOOR
RIVERSIDE, CA 92501

DEAR RIVERSIDE COUNTY PLANNING DEPT.

I RECENTLY READ THE "MEGADUMP" ARTICLE IN THE SEPTEMBER/OCTOBER 1996 EDITION OF NATIONAL GEOGRAPHIC TRAVELER WHICH WAS QUITE DISTURBING.

THE ARTICLE, REFERENCING THE JOSHUA TREE NATIONAL PARK WHICH IS BEING THREATENED BY A PROPOSED "MEGADUMP" IS UNACCEPTABLE. I AM DEEPLY CONCERNED ABOUT THIS THREAT WHICH WILL HAVE A NEGATIVE IMPACT ON THE ECO-SYSTEM, WILDLIFE AND PEOPLES GENERAL ATTITUDE TOWARDS THE PARK.

PLEASE CONDUCT AN INDEPENDENT STUDY AND SEE HOW INEFFICIENT THE 8 FOOT THICK LINER WILL BE. IT IS DESTINE TO LEAK AND DESTROY THE GROUND, WATER AND ALL THAT INHABITS THE AREA! IF THE ECO-SYSTEM IS ALTERED THE DIRECT IMPACT UPON THE WILDLIFE WILL BE CHANGED FOREVER. THIS MEANS THE EXTINCTION FOR A NUMBER OF SPECIES IS INEVITABLE. I FIND THIS UNACCEPTABLE.

WHAT DO YOU PROPOSE TO DO ABOUT THE ALREADY THREATENED DESERT TORTOISE WHICH CALLS JOSHUA TREE ITS HOME? WILL YOU JUST LET THE TORTOISE BECOME ANOTHER STATISTIC BECAUSE YOU FOUND A FINANCIALLY ECONOMICAL WAY TO DEAL WITH THE TRASH PROBLEM?.

I GREW UP VISITING JOSHUA TREE AND HOLD MANY FOND MEMORIES OF THE PRISTINE ENVIRONMENT THAT WAS ENTRUSTED TO ALL OF US, TO OBSERVE, NOT ABUSE. I DON'T WANT TO LOOSE IT, AND IF I CAN DO ANYTHING TO PRESERVE IT I WILL.

EVEN THOUGH I DON'T LIVE IN CALIFORNIA AT PRESENT I AM ALERTING ALL MY RELATIVES SO THEY CAN VOTE ACCORDING TO HELP PRESERVE THE LAND. CAN YOU HELP IN THIS GALLANT EFFORT TO SAVE OUR LAND AND ALL IT REPRESENTS?

SINCERELY,

"T" ST. JOHN
306 INGLESIDE AVE 1C
CATONSVILLE, MD 21228

Response to Comment 268-1

Comment acknowledged. See General Responses 1, 3, 5, and 6. In addition, the issues raised in the comment (i.e., Joshua Tree National Park impacts) are discussed in detail in the Draft EIS/EIR.

COMMENT LETTER 269

NOV 27 1996

RIVERSIDE COUNTY
PLANNING DEPARTMENT

Koenigseggwalderstr. 16
88377 Riedhausen
Germany

November 16, 1996

Riverside County Planning Dept.
4080 Lemon Street
9th Floor
Riverside, California
92501, USA

Ladies and Gentlemen:

Three years ago, my husband and I visited your lovely area. It was truly an enjoyable trip. We especially admired the recycling efforts of California.

Recently in the "National Geographic Traveler" magizine, I read that a mega-dump is being considered near the Joshua Tree National Park.

Is it necessary to place the Eagle Mountain Landfill so close to a heavily populated area ? I urge you to give this project much thought and research the possible results thoroughly before proceeding further.

Here in relatively small Germany, much progress has been made with recycling of matter which was before just "dumped."

We have gone back to resuable glass containers, returnable and recycable containers for cheese, jogart, etc. All plastic packaging is recycled. Special large bags are provided and collected monthly by the community. Since this system has been introduced, we, a family of four, have less than one normal garbage can full of trash for the twice monthly collection. All carboards and newspapers are also collected separately, as are all kinds of metals and glass.

Thank you for your attention in this matter. Hopefully, a solution can be found that is acceptable. I feel that the key to the problem is not where to put the trash, but rather how can trash be avoided.

Sincerely,

(Mrs.) Linda Fehr
Riedhausen/Germany

Response to Comment 269-1

The comment is incorrect that the proposed landfill will be sited in a heavily populated area. The communities in the vicinity of the Project site are sparsely populated (see Section 3.8 of the Draft EIS/EIR) and the area is remote from major urban populations. In reference to recycling efforts, see Sections 1 and 2 for a discussion of waste disposal capacity and need and California recycling efforts under AB 939.

BLM LIBRARY
RS 150A BLDG. 50
DENVER FEDERAL CENTER
P.O. BOX 25047
DENVER, CO 80225